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Programs Branch User Report

Ministry of the Solicitor General of Canada

Secretariat

Vancouver Police Department:
Victim/Witness Services Unit:
Training Manual

No. 1985-50

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VANCOUVER
VICTIM/WITNESS
SERVICES UNIT
TRAINING MANUAL

Carol McClenahan
January 1985

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VICTIM \ WITNESS SERVICES

*For help in dealing with
problems resulting from
a crime, call:*

665-2187

Victims and witnesses of crime often experience difficulties as a result of a criminal incident.

Victim and witness services are available to those who need:

Information about their case

Crime prevention information

Counselling/practical advice

Information about the court system

Escorts to court

*Referrals to community agencies,
including the Criminal Injuries
Board.*

Victim/Witness Services can help to lessen the negative impact of crime on Vancouver's victims and witnesses.

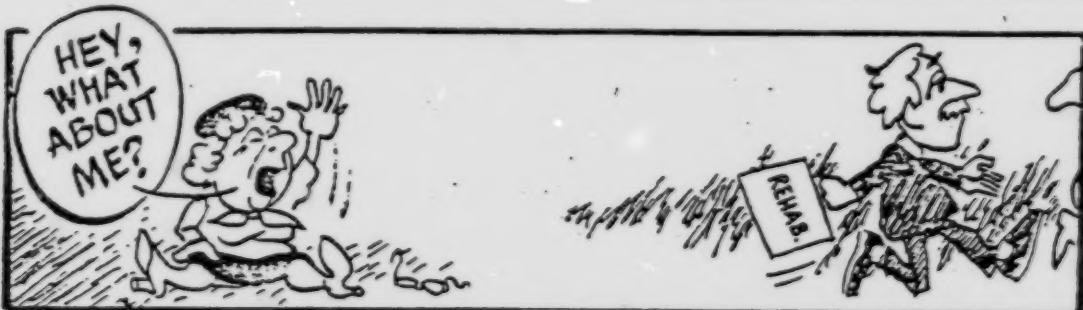
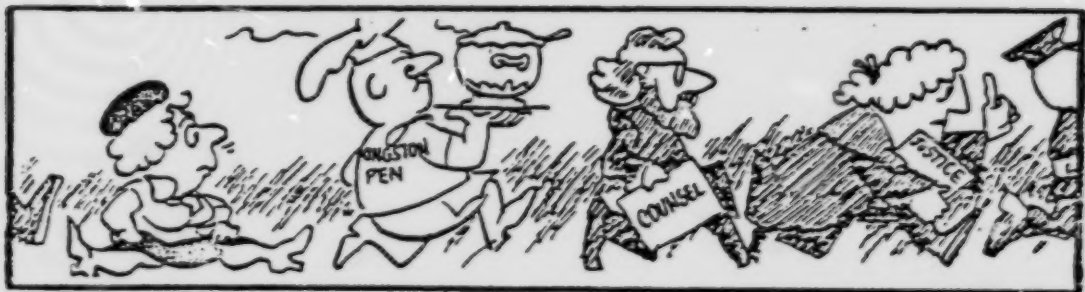
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Canada



Reforms have been directed toward protecting the rights of the accused — but what about the victim

Citizen, Ottawa, 12.ix.81 Focus

I. Criminal Justice System - History

A. Introduction

People have always committed acts which were and are considered to be wrong by others. The term "criminal justice system" is a title given to a group of individuals, institutions, and rules which are man-made. The ultimate purpose of a criminal justice system is to control and predict the actions of people in any given society. Laws are the result of the need to control and predict behaviour.

Criminal laws control and predict the actions of men and women should they commit an act which is considered a crime. A crime is any act which the governing body decides is a wrongful act deserving punishment. In Canada, these wrongful acts have been proscribed as crimes in a statute called The Criminal Code. Jerome Hall, a legal scholar, once said "Criminal law represents a sustained effort to preserve important social values from serious harm, and to do so not arbitrarily, but in accordance with rational methods directed toward the discovery of just ends." In order that the criminal law could be administered in a consistent and fair manner, a system was developed and is presently known as the criminal justice system.

The following pages serve to make us more aware of the different components and participants who operate within that criminal justice system.

B. Criminal Law

1. Common Law/Case Law

- a. The Common Law of England originated around the time of the Norman Conquest.
- b. The King would travel through England in order to hear his subjects' complaints and hear their disputes.
- c. Eventually, the King's advisors took over the responsibility and established a simplistic system of hearings.
- d. Decisions from these hearings became known as the "Common Law" of the land.
- e. These Common Laws eventually became formalized laws of which future cases could be decided upon.
- f. Any subsequent hearings were bound by past decisions or by the precedent.

2. Magna Carta

- a. The Magna Carta (1215) provided that:
 - i) The Ruler or King is subject to the same laws as everyone else - no one is above the law.
 - ii) No one is to be punished without a trial.
 - iii) The testimony of any official will not stand without the testimony of a witness - corroboration.
 - iv) No one is to refuse or delay the right of justice.

3. British North America Act

- a. The British North America Act (BNA Act 1867) created the federalistic Dominion of Canada.
- b. The BNA Act divided the jurisdiction of criminal matters between the Federal and Provincial governments.

Section 91(27) provides that the Federal Parliament has exclusive jurisdiction to enact legislation concerning the criminal law and procedure.

Section 92(14) provides that the Provincial legislatures have jurisdiction to enact legislation concerning the administration of justice and the constitution, maintenance, and organization of Provincial courts.

4. Criminal Code of Canada

- a. The Criminal Code of Canada (CCC) contains 750 sections of both substantive offences against the person, property, and State.
- b. The CCC also contains sections which deal with procedural matters of criminal law.

C. Courts

- a. Initially, the King held hearings to hear his subjects' disputes.
- b. The King's officials (ie. lords) later heard the disputes of the subjects within their regions. This formed the first segmentation of the would be courts.
- c. Canada adopted the English hierarchy of courts and the decisions of the Supreme Courts were appealable to the Privy Council in England.
- d. English precedent was also Canadian precedent.
- e. In 1931, the Statute of Westminster saw the last court of appeal to be the Supreme Court of Canada.

D. Police

1. Important dates

- a. 1066 - a male was elected from each community (Tytthingman).
- b. 1100 - a male was elected from each Shire (Shire Reef).
- c. 1285 - The Statute of Westminster, provided that:
 - a) all citizens had to respond and give assistance to a constable calling for help.
 - b) policing was a community responsibility.

- d. 1361 - Justice of the Peace Act, which provided for regional police officers and judges.
- e. 1829 - Metropolitan Police Act, which provided for Sir Robert Peel's nine principles of law enforcement.

PEEL'S PRINCIPLES OF LAW ENFORCEMENT

1. The basic mission for which the police exist is to prevent crime and disorder as an alternative to the repression of crime by military force and severity of legal punishment.
 2. The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behaviour, and the ability of the police to secure and maintain public respect.
 3. The police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain public respect.
 4. The degree of cooperation of the public that can be secured diminishes, proportionately, the necessity for the use of physical force and compulsion in achieving police objectives.
 5. The police seek and preserve public favor, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of the society without regard to their race or social standing; by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
 6. The police should use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient to achieve police objectives; and police should use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
 7. The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interest of the community welfare.
 8. The police should always direct their actions toward their functions and never appear to usurp the powers of the judiciary by avenging individuals or the state, or authoritatively judging guilt or punishing the guilty.
 9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them. (Radelet 1977:4)
- f. 1835 - Toronto developed a night watch system with a six man police force.
 - g. 1873 - The North West Mounted Police, a Federal police department, was formed.
 - h. 1904 - The North West Mounted Police's name was changed to the Royal North West Mounted Police.
 - i. 1920 - The Royal North West Mounted Police's name was changed to the Royal Canadian Mounted Police.

E. Corrections

- a. The use of prisons is relatively recent.
- b. Prior to the Middle Ages (600 A.D.) personal retaliation and familial blood feuds were the response against those who violated group norms. Capital and corporal punishments were inflicted for a wide variety of offences.
- c. The major punishments prior to 1600 were economic sanctions (ie. fines, confiscation, or restitution).
- d. Around the 1600's in England, the development of gaols occurred.
- e. In the 1700's, the use of capital punishment (350 offences were punishable by death - Bloody Codes) and transportation (offenders were sent to Australia or American colonies) increased.
- f. In the United States around the 17th and 18th centuries, the use of long-term imprisonment increased to remove the offender from the community and hence, from temptations in order to be reformed.
- g. In Canada around the 19th century, gaols in the form of the "Auburn System" whereby prisoners worked and ate together, but were housed separately at night were used. At all times, prisoners were to abide by the "silent system" which did not allow for communication or gesticulating between prisoners.

II. Criminal Justice System - Today

A. Laws

1. General

As previously stated, laws are rules to predict and control the actions of persons within a given jurisdiction or defined area. The victim/witness worker should be aware that when dealing with the criminal justice system that there are laws other than those considered to be criminal or quasi-criminal laws. There is, for example, administrative law and civil law.

Administrative Law governs:

- 1) political bodies or organizations (ie. Freedom of Information Act)
- 2) officially sanctioned bodies, organizations, and societies.

Civil Law governs:

- 1) conflicts and issues between two individuals. One or more persons may be an organization because under the law organizations are personified.

2. Civil Law

- a. The victim/witness worker should become familiar with the difference between civil law and criminal law.
- b. In a civil case, it is the plaintiff (ie. the victim) versus the defendant. In a criminal case, it is the Crown versus the accused.
- c. Victims of property crimes may have recourse through the civil courts. Victims may bring a civil suit against the offender for the return of their property, compensation for damaged property, or for personal injuries suffered. Victims can apply for compensation for property to the criminal courts only at the time the offender is sentenced for the crime. A criminal court judge cannot award compensation for pain and suffering.
- d. In the Zalinski case, the Supreme Court of Canada held that criminal courts should not use the criminal proceeding for compensation of victims of crime, except in the most minor cases. The Court further ruled that a separate civil trial should be held to determine the issue of compensation.

- e. One of the major frustrations of citizens is that the Canadian criminal justice system is not designed to serve victims as the victim's only role is to report the offence and perhaps act as a witness. Individuals frequently feel that the law has been broken and the police should do something about it. The police, however, are unable to do anything because the law that has been broken is sometimes civil in nature.

Example: A woman has a restraining order against her husband. The husband shows up at her house. She phones the police and asks to have him removed. The police cannot do so unless they have reasonable and probable grounds to believe that she will be harmed or that a crime (as defined by the Criminal Code) has been committed. Breaching a restraining order is a civil matter and not a criminal matter.

3. Laws Police Enforce

- a. The police enforce:
 - i) Criminal Laws - Criminal Code
 - ii) Quasi-Criminal Laws - Narcotic Control Act
 - Food and Drug Act
 - Young Offenders Act
 - Bail Reform Act
 - Income Tax Act
 - iii) Provincial Statutes - Highways Act
 - Motor Vehicle Act
 - iv) Municipal Bylaws - Parking Regulations
 - Noise Control Legislation
- b. The police will also enforce other Federal Acts (RCMP) when other government officials are not available.
- c. The following gives the police the authority to enforce the above mentioned acts:
 - i) British North America Act
 - a) Section 91(27) provides the Federal Parliament with the exclusive jurisdiction to enact legislation concerning criminal law and procedure.
 - b) Section 92(14) provides the Provincial legislatures with the jurisdiction to enact legislation concerning the administration of justice and the constitution, maintenance, and organization of provincial courts.

ii) Canadian Charter of Rights and Freedoms

The supreme law of the land guaranteeing certain rights and freedoms to individuals (ie. the Charter assures that one will not be subjected to cruel and unusual punishment).

iii) Interpretation Act

This Act defines many of the terms used in all Federal Acts.

iv) Provincial Statutes

a) Section 92(14) of the British North America Act provides the provincial legislatures jurisdiction to enact laws to govern individuals within its own jurisdiction (ie. British Columbia Motor Vehicle Act).

b) Provincial statutes may also define wrongful acts and appropriate sanctions.

v) Municipal Bylaws

a) As a result of provincial powers to legislate laws, they have given municipalities (Municipal Act of British Columbia) the power to enact by-laws within its own jurisdiction.

b) Municipal bylaws may also define wrongful acts and appropriate sanctions.

d. The following grants the transferring of legislative power to make laws:

i) British North America Act

ii) Provincial Statutes (Municipal Act)

iii) Municipal Bylaws

B. Common Offences

1. Criminal Law

a. Criminal Code - Assault - Section 244

- (1) a person commits an assault when:
 - a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
 - b) he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that person to believe that he has (upon reasonable grounds), present ability to affect his purpose;
 - c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.
- (2) This section of the Code applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

b. Criminal Code - Homicide - Section 205

- (1) A person commits homicide when, directly or indirectly, by any means, he causes death of a human being.
- (2) Homicide is culpable.
- (3) Homicide that is not culpable is not an offence.
- (4) Culpable homicide is murder or manslaughter or infanticide.
- (5) A person who commits culpable homicide when he causes the death of a human being,
 - a) by means of an unlawful act.
 - b) by criminal negligence.
 - c) by causing that human being, by threats or fears of violence or by deception, to do anything that causes his death, or
 - d) by wilfully frightening that individual, in the case of a child or sick person.

c. Criminal Code - Murder - Section 212

Culpable homicide is murder

- a) where the person who causes the death of a human being
 - i) means to cause death, or
 - ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not.
- b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm, that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being, or
- c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

d. Criminal Code - Robbery - Section 302

Everyone commits robbery who

- a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property;
- b) steals from another person and, at the time he steals or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person;
- c) assaults any person with intent to steal from him; or
- d) steals from any person while armed with an offensive weapon or imitation thereof.

e. Criminal Code - Breaking and Entering - Section 306

Everyone who

- a) breaks and enters a place with intent to commit an indictable offence therein,
- b) breaks and enters a place and commits an indictable offence therein,

c) breaks out of the place after,

- i committing an indictable offence therein, or
- ii entering the place with intent to commit an indictable offence therein,

....is guilty of an indictable offence and is liable....

f. Criminal Code - Theft - Section 283

Everyone commits theft who fraudently and without colour of right takes, or fraudently and without colour of right converts to his use or the use of another person, anything whether animate or inanimate, with intent,

- a) to deprive, temporarily or absolutely, the owner of it or a person who has a special property of interest in it, of the thing or of its property of interest in it,.....

2. Young Offenders Act

a) Declaration of Principle

3(1) It is hereby recognized and declared that

- a) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions.

"Young Person" means a person who is, or, in the absence of evidence to the contrary, appears to be,

- a) twelve years of age or more, but
- b) under eighteen years of age, or, in a province in respect of which a proclamation has been issued under Subsection (2) prior to April 1st, 1985, under sixteen or seventeen years, whichever age is specified by proclamation....

b) Young Offenders Act of British Columbia

Set age of a young offender as those youths under the age of sixteen.

c) Child Acting Contrary to Law

Section 22.1 (1) Where a peace officer considers that:

- a) a child is less than twelve years of age, and

b) the child has:

- (i) acted in a manner prohibited by law, or
- (ii) failed or refused to act in a manner required by law,

the peace officer may take charge of the child and deliver him/her to a parent.

- (2) Action taken by a peace officer under subsection (1) is not an apprehension for any purpose of this Act.

(Sub-section (2) states that the child can be held under your care and you are legally authorized to deliver the child to a parent or M.H.R. The terminology of the section states that the child is "not in custody")

Pursuant to the amendment under the Family Child Services Act, members can refer children under the age of 12 to the Ministry of Human Resources (eg: 575 Drake Street).

A child can be referred to the Ministry of Human Resources under the following circumstances:

- 1) When a child is involved in crimes of violence, extreme vandalism and destruction -- eg: arson.
- 2) If parents indicate total disregard and lack of concern.
- 3) If parents indicate they will abuse the child by way of excessive discipline for his/her actions.
- 4) When the child indicates he may be at risk (excessive discipline) when the parents hear of his/her acts.
- 5) When a parent or other responsible adult is absent and the child is too young to be left alone.
- 6) If it is not possible to return the child due to the distance from home
- 7) Any child who alleges abuse (sexual/physical) or substantial neglect should be referred immediately.

Members will deal with Young Offenders (12 to 16 years of age) in referring them to the Ministry of Human Resources as previously directed through the roll-call training sections.

3. Coroners Act

Section 9(1) Every person who has reason to believe that a person died

- a) as a result of
 - (i) violence; or
 - (ii) misadventure; or
 - (iii) negligence; or
 - (iv) misconduct; or
 - (v) malpractice; or
 - (vi) suicide; or
- b) by unfair means; or
- c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable to pregnancy; or
- d) suddenly, or unexpectedly; or
- e) from disease, sickness, or unknown cause, for which he was not treated by a medical practitioner; or
- f) for any cause other than disease under circumstances that may require investigation; or
- g) in a correctional institution, lock-up or prison,

shall immediately notify a coroner or peace officer of the facts and circumstances relating to the death, and where a peace officer is notified he shall in turn immediately notify the coroner of the facts and circumstances.

(2) Where a person dies

- a) while a resident or an in-patient in
 - (i) a community care facility as defined in the Community Care Facilities Licensing Act; or
 - (ii) a place for examination, diagnosis, treatment, or rehabilitation of mentally disordered persons to which the Mental Health Act applies; or
 - (iii) a public or private hospital to which the person was transferred from a facility or place referred to in subparagraphs (i) and (ii); or

b) while he is

(i) a patient of a place referred to in paragraph (a)(ii); or

(ii) committed to a correctional centre, penitentiary, or police lock-up,

but when not on the premises or in actual custody the person in charge shall thereof immediately give notice of the death to the coroner. 1975, c. 15, s. 9.

Section 22 If before proceeding to make an inquiry without a jury under section 21, or in the course of holding the inquiry, there appears to the coroner, from the information furnished to him or from the opinion of any medical witness, to be any reason for summoning a jury,

a) the coroner may, and

b) where there appears to him to be any reason to suspect that the deceased died by murder or manslaughter the coroner shall, proceed to summon a jury in the manner required by this act. 1975, c. 15, s. 22.

Section 23(1) Where a death occurs as a result of which any person is charged with murder, manslaughter, or any criminal offence arising out of the facts which may have caused the death, the Attorney-General may direct that no inquest be held or continued concerning that death.

(2) Where a charge of murder, manslaughter, or any criminal offence arising out of the facts which may have caused the death is withdrawn or stayed, the Attorney-General may direct that

a) an inquest is held; or

b) where an inquest was commenced, it be completed and, for that purpose, section 24 applies.. 1975, c. 15, s. 23.

Section 37(1) Any person whose interests may be affected by evidence likely to be adduced at an inquest

a) may appear personally or by counsel at the inquest;

b) may tender evidence and call witnesses;

c) may examine, cross-examine, and re-examine witnesses; and

d) may obtain from the coroner a summons directed to any witness whom he desires to call.

(2) Where the inquest is into the death, arising out of his work, of a worker to whom Part I of the Workers Compensation Act applies,

a) a representative of his employer; and

b) a representative of the trade-union certified as the bargaining agent for the worker

shall be deemed to be persons to whom subsection (1) applies. 1975, c. 15, s. 37.

Section 38(1) A coroner may issue a summons to any person who, in the opinion of the coroner, might be able to give material evidence as to the matters to be inquired into at the inquest.

(2) The summons shall be served by a peace officer leaving a copy thereof with the witness.

(3) The original summons may contain the names of any number of witnesses, but each copy thereof need only contain the name of that witness upon whom it is served.

(4) A coroner has the same powers

a) to compel the attendance of witnesses; and

b) to punish witnesses for

(i) disobeying a summons to appear, or

(ii) refusing to be sworn, or

(iii) refusing without lawful excuse to give evidence

as are conferred upon a justice by the Summary Convictions Act. 1975, c. 15, s. 38.

4. Motor Vehicle Act

Relevant Sections include:

- (16) Transfer of motor vehicle
- (17) Transfer on death when estate is small
- (189) Police may move parked vehicle if:
 - it is improperly parked (see S. 191)
 - interferes with snow removal
 - interferes with fire fighting
 - interferes with normal flow of traffic
 - interferes with road construction
- (214) 24 hour prohibition
 - if a police officer suspects a driver to be impaired he can ask the driver to surrender his licence. The driver must either surrender his licence or ask for a breathalyzer test. If its under 50 mg. the licence will be returned; if its over 50 mg., the driver may be charged with impaired driving.
- (221) Reports to medical practitioner
 - Doctors must report to the superintendent the name and addresses of those who have medical conditions that could make it dangerous for them to drive.

5. Noise Control By-laws (By-law No. 5330)

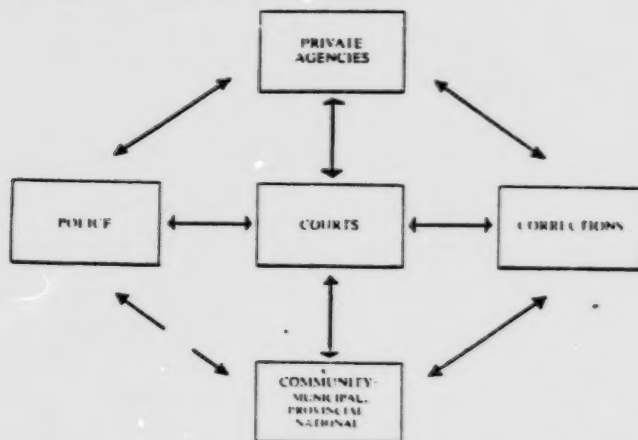
If any of the following sounds are loud enough to be heard by a person not on the premises, whether the person who made the sound, or the owner of the premises where the sound was made is liable to a fine.

- voices raised beyond the level of ordinary conversation
- sound of a barking dog or other animal or bird
- sound of the operation of machinery or of construction or demolition work, except where authorized by the Mayor, between 8:00 pm and 7:00 am on weekdays or Saturdays; or between 8:00 pm and 10:00 am on Sundays or holidays
- sound of radios, televisions, tape recorders or players, stereo systems, musical instruments, whether recorded or live, whether amplified or not.

When a complaint is made, the police will first give a warning to the person responsible for the noise, and if the noise continues, the police will give him a ticket. The complainant will not have to appear in court if the investigating member can give evidence regarding the noise. However, if the noise has eased by the time the police arrive, and the complainant still wishes to proceed with the charge, the complainant will have to attend court.

C. Courts

1. Description and organization

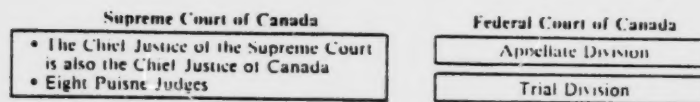


- a. As can be seen from the diagram above, the courts are the center of the criminal justice system.
- b. There are two forms of courts:
 - 1) trial - the actual forum where prosecution and defence argue over the accused's guilt or innocence.
 - 2) appellate - where decisions of the trial courts can be appealed and rejudged.
- c. As can be seen in the following diagram, there are two levels of courts:
 - 1) Federal
 - a) Supreme Court of Canada - trial
 - b) Federal Court of Canada - trial
- appellate
 - 2) Provincial
 - a) Supreme Court or Superior Court
- trial
- appellate
 - b) County Court or District Court
- trial
- appellate
 - c) Provincial Court - trial
- appellate

FEDERAL LEVEL

19

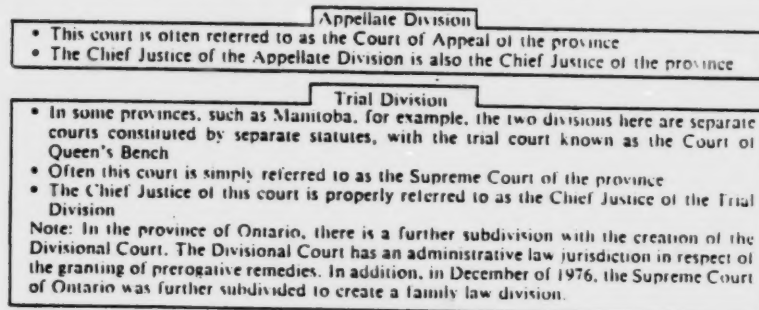
Courts constituted under federal statutes with federally appointed judges



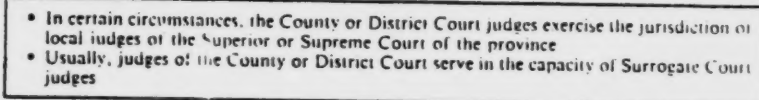
PROVINCIAL LEVEL

1. Courts constituted under provincial statutes with federally appointed judges

Court of Superior Jurisdiction or Supreme Court

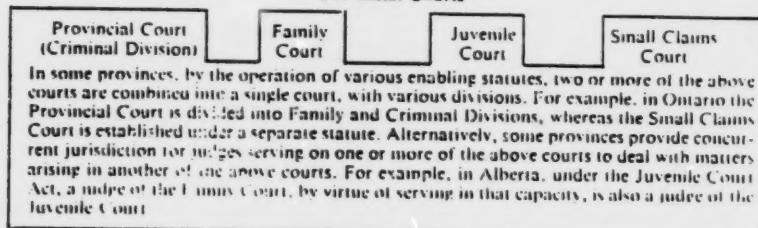


County (or District) Court



2. Courts constituted under provincial statutes with provincially appointed judges

Provincial Courts

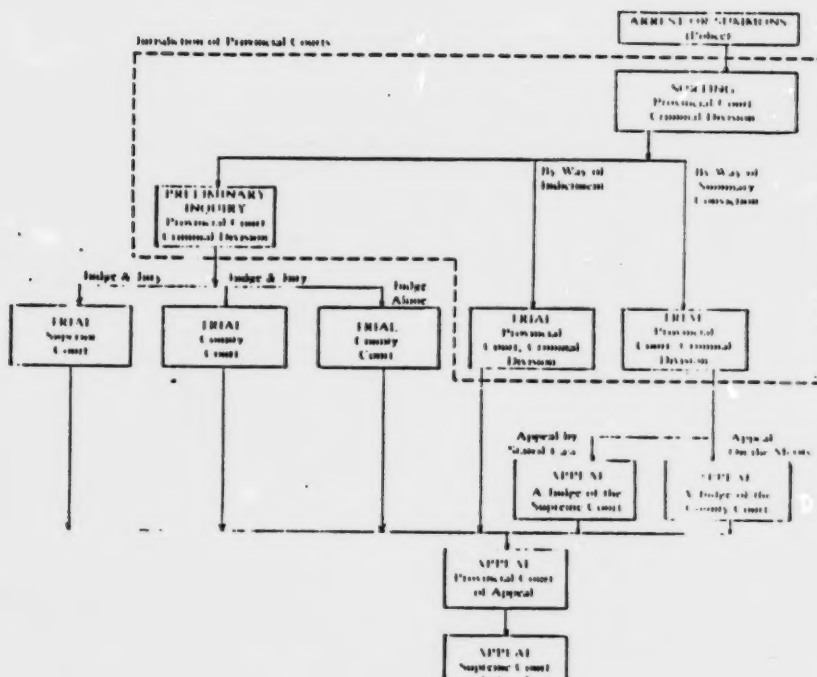


d. Provincial Courts, as can be seen in the diagram above, are divided into four sections:

- 1) Criminal Division - hears all cases except serious offences.
- 2) Family Court - hears cases of domestic origin which are not criminal.
- 3) Juvenile Court - hears all matters, criminal, and civil when a juvenile is the accused.
- 4) Small Claims Court - hears all civil matters involving monies not in excess of \$2000.00.

2. Policies and Procedures

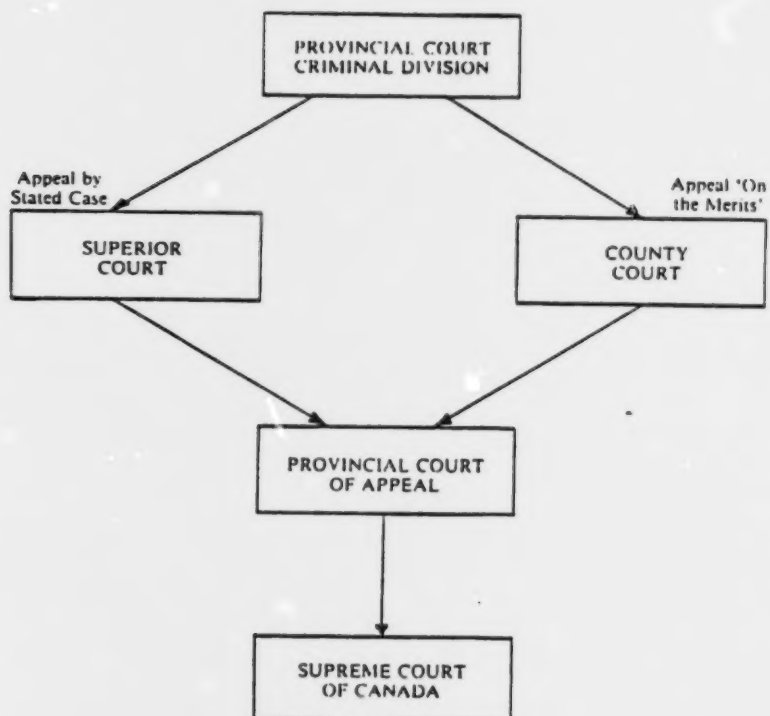
- a. Case flow within the criminal courts is as follows:
 - 1) Someone (usually the police or the Crown) lays an Information which accuses someone else (the offender).
 - 2) A judge or Justice of the Peace decides whether there are reasonable and probable grounds to compel the appearance of the accused in court. If so, he then issues a:
 - i) summons, or
 - ii) warrant.
- b. The police have the power to demand one's appearance by:
 - 1) an Appearance Notice (before an information has been laid)
 - 2) a Promise to Appear (after an arrest has been performed).
- c. After an Information has been laid, the courts may hold an accused in custody or release by way of:
 - 1) issuing a Summons
 - 2) issuing a Promise to Appear (formal signed document)
 - 3) entering into a recognizance (deposit of money)
- d. There are two classifications of offences:
 - 1) summary offences with punishments less than two years
 - 2) indictable offences with punishments over two years
 - 3) hybrid offences which can be processed summarily or by way of indictment.
- e. The following diagram illustrates the trial and appeal process within the criminal courts:



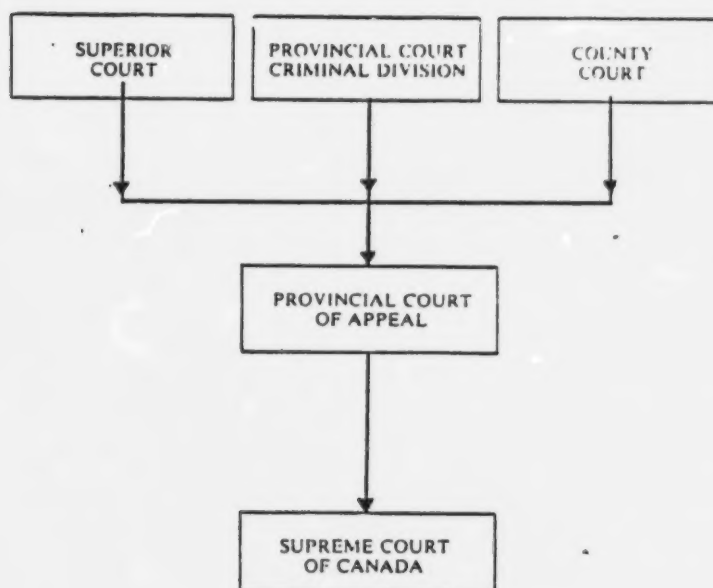
- 1) Summary offences are tried in Provincial Court.
- 2) The least serious offences which are indictable may also be tried in Provincial Court.
- 3) The more serious Indictable offences are tried in District or County Court.
- 4) The most serious offences in the Criminal Code are tried in Superior or Provincial Supreme Court.
- 5) Hybrid or mixed offences are tried in Provincial Court.

- 1) Appeals may be made by the Crown or the accused.
- 2) Appeals may be made on two grounds:
 - a) error of law - the court acted out of its jurisdiction..
 - b) merit of the case - appeals of sentence or conviction.

- h. The following diagram illustrates the system of appeal for summary offences:

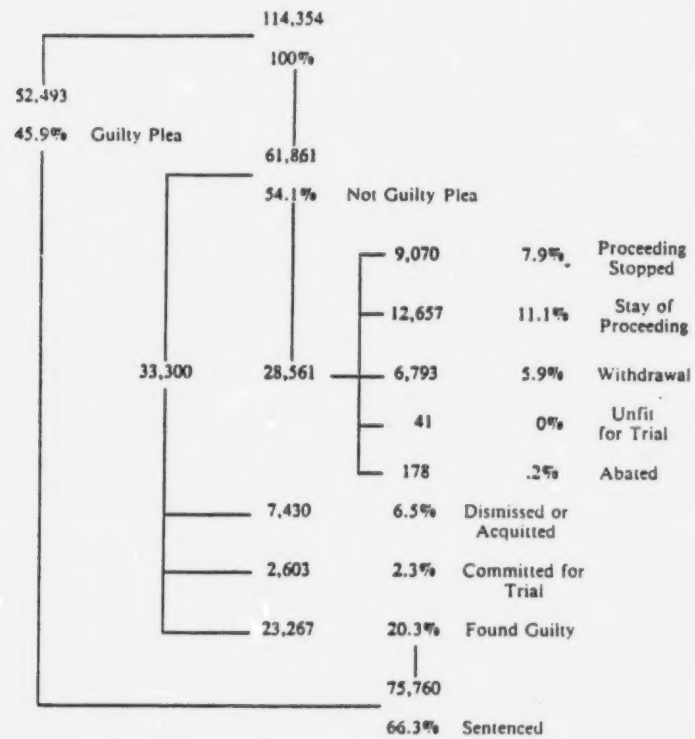


- i. The following diagram illustrates the system of appeal for Indictable offences:



- j. As can be seen in the following diagram, a number of factors affect case processing. Among those are the:
- 1) Accused's plea
 - a) guilty - sentenced
 - b) not guilty - trial
 - 2) Crown Counsel
 - a) stop proceedings - diversion
 - b) stay proceedings - postponement
 - c) withdrawl - drop charge
 - 3) Defence Counsel
 - a) institute fitness proceedings
 - b) institute insanity defence
 - c) enter plea bargain - this is usually accomplished before entering court.

FACTORS AFFECTING CASE PROCESSING IN PROVINCIAL COURT



3. Sentencing

- a. Often specific offences outlined in the Criminal Code have minimum and maximum limits of fines and imprisonment.
- b. The sentencing options available include:
 - 1) Discharges, where no conviction is recorded.
 - a) Absolute - no conditions are imposed upon a person's liberty.
 - b) Conditional - conditions are placed upon a person discharged (ie. maintaining peace and good conduct for one year).
 - 2) Fines, which require monetary payments to courts upon conviction.
 - 3) Probation, where a person is entitled to his liberty without a fine if he/she maintains conditions placed upon him. If he/she defaults on these conditions, he/she may be resented for the original conviction.
 - 4) Imprisonment
 - a) Summary offences have a maximum of six months imprisonment.
 - b) Indictable offences have a maximum of life imprisonment (25 years).
 - 5) Forfeiture, where the accused upon conviction must forfeit some tangible good related to the crime (ie. restricted weapons).
 - 6) Restitution, in which the offender pays money or does something for the victim, for the purpose of making good the damage done to the victim.
 - 7) Committal, where a person is required to remain in some program or institution for treatment. This is usually in the form of probation.

4. Additional Information

1) A public trustee:

- a) is an attorney working for the Ministry of the Attorney General
- b) protects the estates and financial interests of
 - minors
 - mentally disordered individuals
 - those estates where no competent person is available to execute or act as a private trustee
- c) acts as an auditor of private estates
- d) handles complaints made against private trustees who act unfairly towards minors or mentally disordered heirs.

D. Vancouver Police Department

1. Mandated Services - protection of life
 - protection of property
 - prevention of crime
 - note: An equally important portion of the Department's efforts involve services to the community.
2. Organization of Services - The Vancouver Police Department is divided into two bureaus. Both of these bureaus are supervised by the Chief Constable. The Organization Chart (see following page) indicates the Bureaus as "Operations" and Support Services". Each of these Bureaus' is the responsibility of a Deputy Chief Constable.

The Bureaus' are responsible for the functioning of numerous divisions and sections, necessary for a functioning police department.

The Sections and Divisions are basically self explanatory with a few exceptions. The exceptions are:

Patrol Division North - There are four teams responsible for a specific geographical area; as shown on the Team Map of Vancouver. These four teams provide information gathered on crimes to Team North Division Detectives.

Patrol Division South - Four teams are responsible for the southern area of Vancouver and provide information to their Division Detectives.

Major Crime Section - Within this section there are four squads: Homicide, Robbery, Sexual Offence, and Crime Stoppers.

Strike Force - Handles problems related to intelligence, gambling, morality, and liquor. Narcotics Squad operates independently of the Strike Force.

CLEU - Coordinated Law Enforcement Unit - An operational organization dedicated to combatting organized crime. It is a coordinated unit of both Municipal and RCMP representatives.

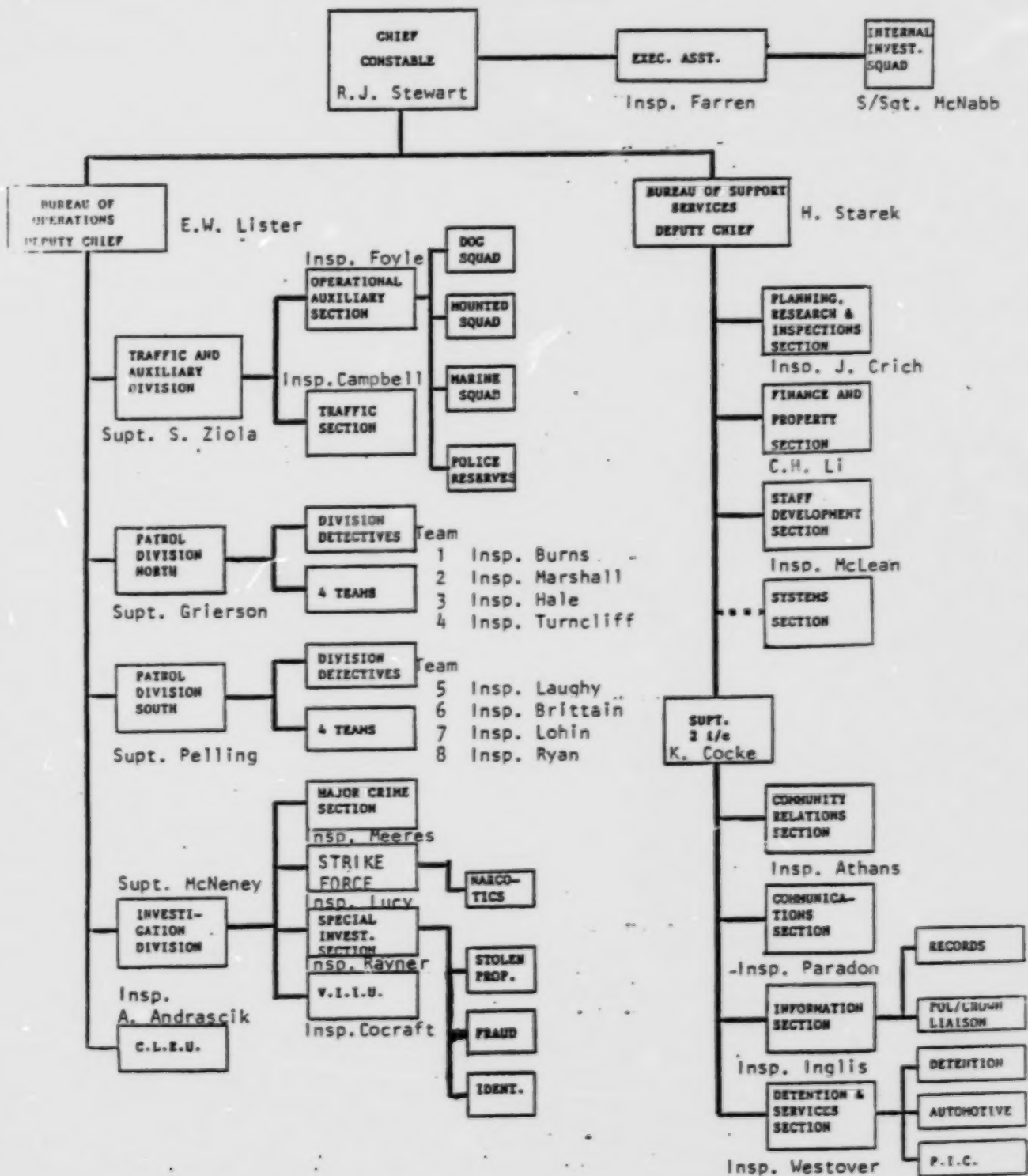
VIIU - Vancouver Integrated Intelligence Unit - Coordinates intelligence gathering efforts with the RCMP.

Internal Investigations Squad - Handles complaints from the public re: behaviour of the members of the force.

VANCOUVER POLICE DEPARTMENT

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ORGANIZATION CHART



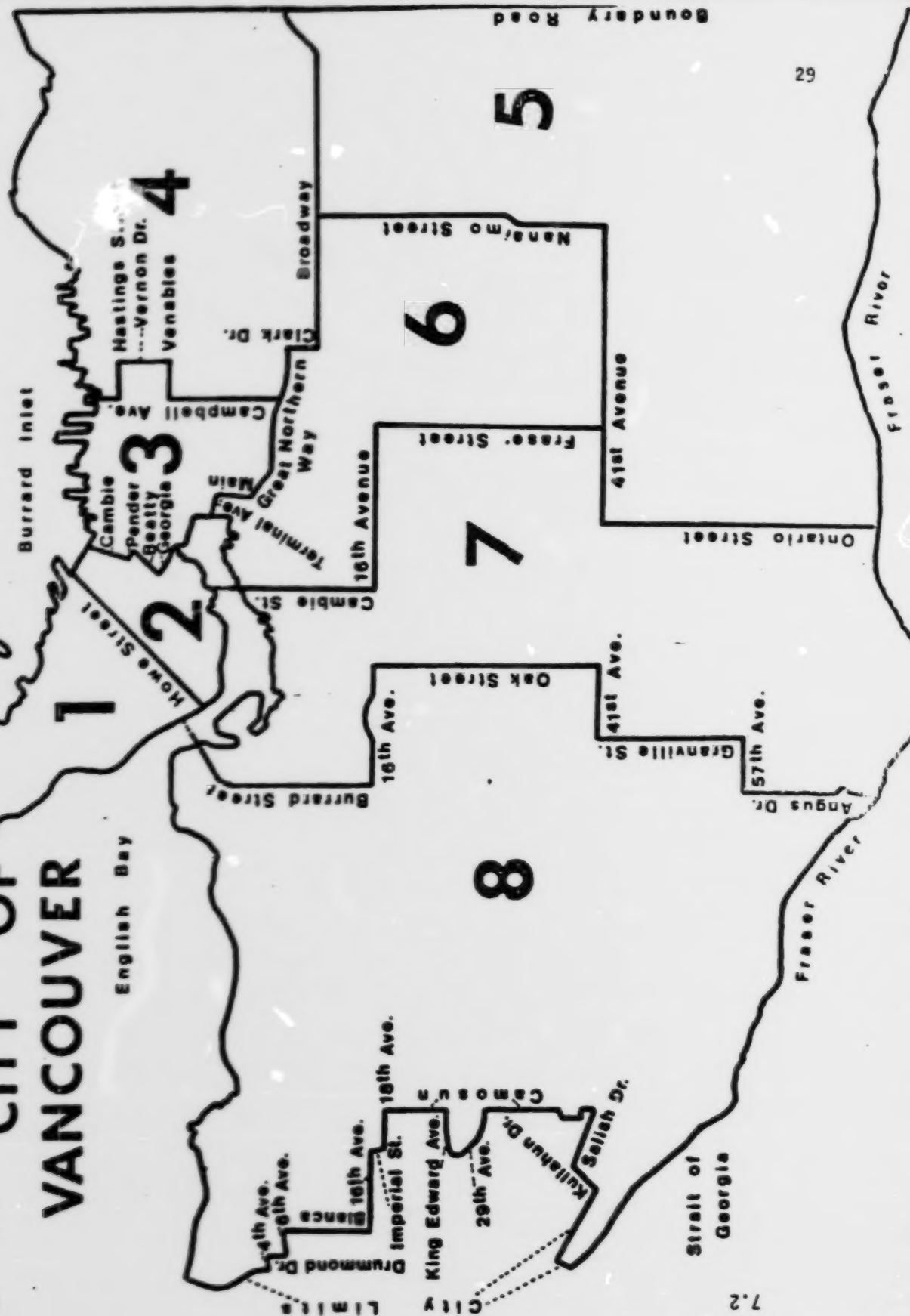
TEAM BOUNDARIES

(Effective July 22, 1982)

N
CITY OF VANCOUVER

English Bay

(12)



29

5

6

7

3

1

2

8

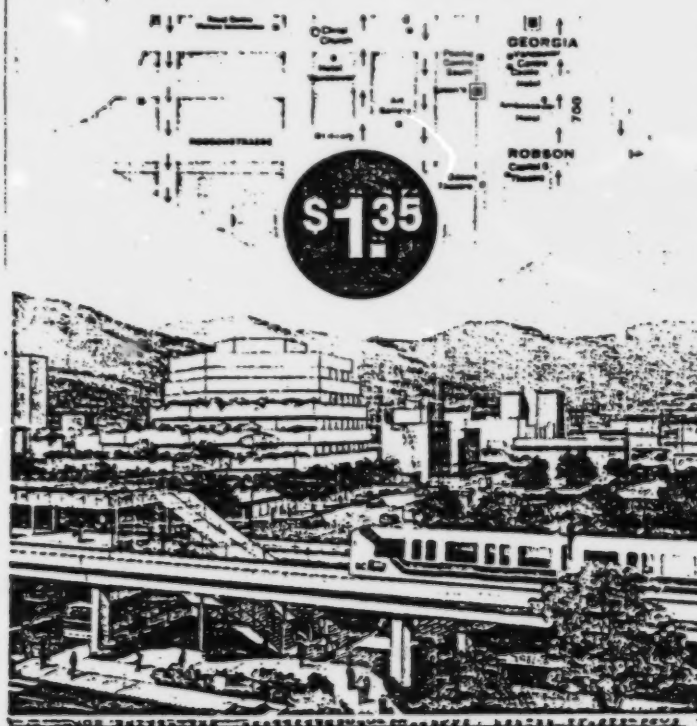
7.2

An Up-To-Date
Street Map of
Greater Vancouver

WITH THE CITY OF
VICTIM/WITNESS SERVICE

- BURNABY
- NEW WESTMINSTER
- NORTH VANCOUVER
- RICHMOND
- VANCOUVER
- WEST VANCOUVER

Large Special Map of
Stanley Park,
Downtown Vancouver
and the One-Way Street System



MAPS: Street maps of Vancouver are available in any Victim/Witness Service Unit vehicle and in the service office. The maps are not to be removed from those locations.

3. Community Relations Office

a. The Community Relations Office is responsible for:

- i) Minority Relations
- ii) Community Based Crime Prevention
- iii) Media Relations
- iv) Victim/Witness Services Unit

4. Police Procedures

- a. All police dispatches are through 911. The dispatch is based upon the seriousness of the crime and the immediacy of the crime.
- b. When a person calls a police officer with a complaint, the officer will make a preliminary investigation and inform the complainant that he intends to:
 - i) neither recommend a charge nor lay a charge
 - ii) forward a report to the appropriate Detective Squad for further investigation.
- c. If the report is forwarded to a Detective Squad, the Detective will inform the complainant whether investigation will follow, and if so, then upon completion whether charges will be laid.
- d. If a suspect is in custody, a witness will identify him by viewing an Identification Line-Up of at least six people who are similar in age, race, and general appearance (ie. all or none wearing glasses) to the suspect.
- e. The victim will be informed of all findings before any information is released to the media.
- f. All question of transportation are at the discretion of the officers. Lone officers transporting members of the opposite sex will call in time and mileage at the beginning and the end of the trip.
- g. In cases of sexual assault, it is up to the discretion of the police officer to provide transportation to Shaughnessy Hospital. The police will take a statement from the victim at the hospital. The hospital staff will then ask female victims whether they would like Women Against Violence Against Women (WAVAW) contacted.

5. Special Cars

The Vancouver Police Department utilizes the following special cars:

Car 10 - This is the duty officer car. The duty officer is the chief representative on the road who goes to the scenes of all major incidents.

Car 67 & Car 68 - These are school patrol cars. School patrol cars function in setting up school patrols.

Car 86 - One psychiatric social worker from the Ministry of Human Resources and a police officer respond to domestic disputes (assaults), child abuse, some psychiatric (suicides), etc. The car is on the road from 6:45 P.M. to 3:00 A.M., seven days a week. Volunteers will act as a back up to Car 86 in domestic disputes.

Car 178 - One officer and one probation officer function in identifying youths and providing backgrounds on many of them. They make transports to 575 Drake, Willingdon Detention Centre, or to the home of the juvenile. The car is on the road Monday through Saturday, 17:00 to 03:00.

Note: There is a paddywagon called "66". Take care not to respond to the calls for the paddywagon when listening for calls for "Car 66" on the portable police radio.

6. Standard Radio Response

- a. Codes 1, 2, and 3 may be used by the Radio Dispatcher to indicate to the field unit the degree of urgency required in his response. The field unit may use the code to indicate to the Radio Dispatcher how he is responding or wishes to respond to a situation encountered in the field.
- b. Codes 4, 5, and 6 will be used by the transmitting unit to indicate the known or suspected status of the situation.

Code 1 - Routine. (All transmissions are considered Code 1 unless otherwise classified.)

Code 2 - Respond as quickly as possible without using emergency equipment and complying with the provisions of the Motor Vehicle Act.

Code 3 - Respond at once using emergency equipment.

Code 4 - Emergency situation or operation giving the calling Unit exclusive air time (base station Air Control).

Code 5 - Use Caution. The situation/operation may be dangerous.

Code 6 - Hostage Situation.

7. Standard 10 Code

a. Common Codes

10 - 4	Acknowledgement (It is said only once by one person. No further talking then takes place.)	10 - 23	Arrived at Scene
		10 - 28	Vehicle Registration Information Required
10 - 6	Busy	10 - 29	Check Records for Vehicle or Subject
10 - 7	Out of Service	10 - 33	Officer in Trouble
10 - 8	In Service	10 - 61	Coffee Break
10 - 9	Repeat	10 - 62	Meal Break
10 - 10	Negative	10 - 68	Breathalyzer Operator Required
10 - 14	Prepare to Copy	10 - 69	Checking Vehicle or Person
10 - 20	Location		

b. Uncommon Codes

10 - 40	Possible Hit On (ie. checking to see if a warrant for a suspect's arrest has been issued)	10 - 27	Driver's Licence Information Required
10 - 41	Possible Hit Now Confirmed with Originating Agency	10 - 30	Danger/Caution - Officer Down
10 - 42	Person/Vehicle in Observation Category	10 - 46	Person in Prohibited Category
10 - 43	Person in Parole Category	10 - 65	Escorting Prisoner
10 - 44	Person in Charged Category	10 - 66	Prisoner Transport Required
10 - 49	Person in Elopee Category (ie. someone who has run-away)	10 - 67	Unauthorized Listeners Present

Note: All personnel must make maximum use of the 10-Code Signals System and the correct radio procedure. For example:

a) say "10 - 20" not "What is your 10 - 20?"

b) say "10 - 9" not "Would you 10 - 9 please?"

8. Channel Call Areas on the Police Radio

- a. The system uses five channels, but one of the channels, Channel Five (5), is rarely used.
- b. Each channel serves two teams. For instance:
 - Channel #1 (Team 1 & 2) West End of Vancouver
 - Channel #2 (Team 3 & 4) North East Sector of Vancouver - PNE
 - Channel #3 (Team 5 & 6) South East Sector of Vancouver
 - Channel #4 (Team 7 & 8) South West Sector of Vancouver
- c. The call for Car 66 to attend is broadcast on all channels (1 - 4) during the hours of 09:00 or 10:00 to approximately 03:00. At 03:00 the system becomes a two channel system using only channels 1 and 3. Channels 1 & 2 (North Sector) are therefore switched to Channel 1, while Channels 3 & 4 (South Sector) are on Channel 3, depending upon your location in the city. Be sure to switch over to the appropriate channel when told, as otherwise you will not hear the calls for Car 66.

9. Police Codes

A - Alpha	N - November
B - Bravo	O - Oscar
C - Charlie	P - Pa Pa
D - Delta	Q - Quebec
E - Echo	R - Romeo
F - Foxtrot	S - Sierra
G - Golf	T - Tango
H - Hotel	U - Uniform
I - India	V - Victor
J - Juliet	W - Wiskey
K - Kilo	X - X-ray
L - Lima	Y - Yankee
M - Mike	Z - Zulu

10. Police Shifts

7:00 A.M. - 5:00 P.M.	07:00 - 17:00
4:00 P.M. - 2:00 A.M.	16:00 - 02:00
5:00 P.M. - 3:00 A.M.	17:00 - 03:00
6:00 P.M. - 4:00 A.M.	18:00 - 04:00
9:00 P.M. - 7:00 A.M.	21:00 - 07:00

11. Rank and Dress Uniform

Blue Shirts:

Reserves (Patch on left shoulder says "reserves".)
Probationary Constable (First Year)
Third Class Constable (Second Year)
Second Class Constable (Third Year)
First Class Constable (Fourth Year)
Ten Year Constable
Corporal/Detective (2 chevron stripes on collar)
Sergeant (3 chevron stripes on collar)
Staff Sergeant (crown and 3 chevron stripes on collar)
Uniform Jacket shows the rank on both upper sleeves.

White Shirts:

Inspector (shoulder epaulet with 3 pips)
Superintendent (shoulder epaulet with crown and 1 pip)
Deputy Chiefs (shoulder epaulet with crown and 2 pips)
Chief (shoulder epaulet with crown and 3 pips)
Uniform Jacket shows the rank on the shoulder epaulet.

If an officer has a temporary position, his new rank will be displayed on the epaulet (ie. an acting Sergeant will wear a 3 chevron stripe emblem on the epaulet of his jacket or shirt.

A "Duty NCO" is anyone who is placed in charge of the operations of a team unit for the shift. The rank is Corporal, Sergeant, or Staff Sergeant.

A "Duty Officer" is the person in charge of the operations of the entire city for the shift. The Duty Officer holds the rank of Inspector or above.

12. Responsibilities of the Police to the Victim/Witness Worker

- a. The police department has the most exposure to the crime scene, and therefore, is in the best position to identify present and forthcoming needs of the victim. The police officer at the crime site must assess the condition of the victim, and decide whether to call in a Victim/Witness Services Unit worker.
- b. Keep in mind that the Victim/Witness worker should not be left in a situation of danger (ie. victim and offender still together). Report to the Project Director any instance of inappropriate behavior of workers.

E. Offenders

1. Theories of Causation of Criminal Behavior

a. Theories based upon the individual include:

- i) alcoholism can lead to loss of respect, financial difficulty, embarrassment, or insecurity
- ii) family crises, marital friction, separation, divorce, critical illness, or death in the family can lead to stress and financial difficulties
- iii) social disorganization, high family mobility, no roots, or continuous friends
- iv) parental indifference and/or neglect
- v) emotional disturbance, personality disorders, such as overaggression

b. Theories based upon cultural or environmental factors include:

- i) cultural conflict, old country patterns of life incompatible with new culture
- ii) physical or mental handicap, cannot cope or compete, feel inadequate (occasionally these conditions can be treated)
- iii) over-privileged homes, material things are used to make up for lack of love
- iv) under-privileged homes, lack of money might result in deprivation and feelings of resentment
- v) permissiveness, naive acceptance of all behaviour, or abdication of responsibility
- vi) over-discipline, homes in which children are not taught to think for themselves
- vii) peer pressure, committing crimes to gain acceptance into a group
- viii) opportunity, the chance was available
- ix) labelling, living up to negative expectations

2. The Violent Offender

a. Offences include:

assault (of known and unknown victim)
armed robbery
attempted murder and murder
intimidation and extortion

b. Violent offenders considered dangerous are incarcerated and often have difficulty getting bail, their sentences upon conviction tend to be longer, with parole less likely.

c. In the United States, 50,000 individuals are committed as dangerous offenders yearly. Of 600,000 people arrested each year in the United States, 10% are evaluated as dangerous.

d. While 9% of the United State's population is between the ages of 15 and 20, offences committed by individual's in this age group constitute 30% of all violent crimes. Furthermore, although only 12% of the population in the United States is black, 45% of all offenders arrested for violent crimes are black.

e. The responses of the community to violence are:

i) avoidance (ie. it doesn't happen here)

ii) revenge (ie. why spend money on programs for the offender when you can lock them up and throw away the key)

iii) support for the violent offender in the community.

f. Vancouver Family Court Judge Doug Campbell has claimed that "violence" is a learned response to stress. The responses are:

i) minimization, which involves lessening the impact (ie. "I never really hurt her")

ii) denial (ie. "I am not violent even if I broke her jaw")

iii) externalization or blaming someone else (ie. "If she would not nag").

g. The mentally ill are not usually violent.

Psychological testing is not an accurate prediction of violence potential. A better indicator of violence potential is an individual's first arrest under the age of 15.

h. The Law as it Relates to the Violent Offender

The following information has been obtained from John Conroy, Esq.

- i. If an offender is convicted of first degree murder, he will receive a life sentence. This is the minimum sentence allowed. In these cases, the offender must serve 25 years in prison before he is eligible for parole, if it is granted.
- ii. If an offender is convicted of second degree murder, he will receive a life sentence also. A jury however may decide upon the number of year before he is eligible for parole. This is typically 10 to 25 years. If the jury makes no decision in this respect, a judge will.

3. Violent Adolescents

- a. Of all juvenile in the United States, 6% are violent.
- b. Factors that are conducive to violence in adolescents include:

	BIOLOGICAL	PSYCHOLOGICAL	SOCIAL
PREDISPOSING FACTORS	drug and alcohol abuse	low frustration level impulse to vio- lence inability to trust carry weapons to protect themselves because they think everyone is after them	child abuse witnessing vio- lent behavior in family or elsewhere
PRECIPITATING FACTORS		low self esteem always defend themselves	peer contacts
PERPETUATING FACTORS	prenatal trauma (heavy smoking and alcohol use of mother)		

c. Treatment Approaches with Violent Adolescents

The following information has been obtained from Gordon Hog, Shaughnessy Hospital.

- 1) Authority (laying out expectations)
- 2) Problem solving (solving difficulties)
- 3) Anti-criminal law (ie. role models)
- 4) Use of community resources (use a staff member to help you)
- 5) Quality of interemotional relationships (ie. becoming attached)

4. The Sexual Offender

a. Offences Include:

rape
incest
intercourse with child under 14 (even with consent)
exposure
child molesting

b. Description of sexual offenders of adults:

- i) not psychotic, no hallucinations, or delusions
- ii) young, usually in 20's and 30's, but can be as young as 15
- iii) often a friend or acquaintance of the victim, accessibility being a key factor
- iv) unable to create effective interaction with members of the opposite sex
- v) low self-esteem
- vi) influenced by prejudices, attitudes, and stereotyping
- vii) usually sadistic, the infliction of pain is essential for enjoyment

c. Description of sexual offenders of children

i) Offences include:

exposing
fondling, molesting
actual penetration (includes incest)
intercourse

- ii) almost always someone the child knows and trusts, often a relative (ie. father-daughter is the most common, and stepfathers are five times more likely to molest than natural fathers)
- iii) do not usually physically harm the child
- iv) marital dissatisfaction or a power crises might precipitate the offence
- v) a large majority of sexual offenders were physically abused during childhood and/or adolescence
- vi) about one-third of all sexual offenders were themselves sexually assaulted as children
- vii) seem to be generally well-liked but are socially inadequate and form few close relationships
- viii) exhibit many of the personality traits of other sexual offenders, such as low self-esteem, difficulty interacting with people.

5. The Non-Violent Offender

- a. Non-violent offenders are basically any offenders other than those above.
- b. Offences include:
 - breaking and entering
 - shoplifting
 - mischief and vandalism
 - fraud, white collar crime

6. The Victimless Offender

Victimless offenders are those offenders who commit crimes in which the offender is also the victim (ie. prostitution and drug abuse).

7. The Young Offender

- a. Young offenders include any offenders over the age of 12 but under the age of 16, as declared by the Young Offenders Act.
- b. The Act stipulates that young offenders have the same rights as adult offenders to representation, due process.
- c. The Act further stresses rehabilitation for young offenders while recognizing that for the safety of the public it is sometimes necessary to treat them as adult offenders.

8. Responsibilities of the Offender to the Victim/Witness

The responsibilities include:

- i) compensation for personal damages incurred as a result of victimization
- ii) restitution for damaged or lost property
- iii) reconciliation between the victim and the offender.

F. Corrections/Rehabilitation of the Offender

1. Objectives

The following are the objectives of the correctional system:

- i) to manage and administer the sentence imposed by the Court
- ii) to confine and control the offender for that period of time designated by the Court
- iii) to provide program opportunities designed to assist the offender in developing and adopting more acceptable conduct norms
- iv) to manage and control the re-integration of the offender into the community.

2. Correctional Levels

a. There are three classification levels:

- i) Maximum Security - the inmate is likely to attempt to escape, and if successful would likely cause serious harm within the community.
- ii) Medium Security - the inmate is likely to escape if given the opportunity but is not likely to cause serious harm within the community.
- iii) Minimum Security - the inmate is not likely to attempt to escape and would not cause harm within the community.

b. The factors that affect the classification are:

- offenders criminal record
- seriousness of the offence
- social history of the offender
- treatment needs of the offender

3. Federal Corrections

Offenders sentenced to two or more years imprisonment are sent to federal correctional institutions.

4. Federal Correctional Institutions (in British Columbia)

Kent Institution (in Agassiz, B.C.)
Regional Psychiatric Centre
Mission Institution
Matsqui Institution

Mountain Camp
 William Head Institution
 Elbow Lake Institution
 Ferndale Institution

5. British Columbia Corrections

- a. Offenders sentenced to less than two years imprisonment are sent to provincial correctional institutions.
- b. B.C. Corrections also offers probation to some offenders. Probation is the supervision of a convicted offender without sentencing him to a prison term. Factors which may influence a decision for probation include:
 - severity of the crime
 - previous conviction(s)
 - social status/age
 - employment of the offender
 - overcrowding of prisons
 - community program alternatives

6. Provincial Correctional Institutions (in British Columbia)

Alouette River Correctional Centre (Maple Ridge)
 Willingdon Youth Detention Centre (Burnaby)
 Chilliwack Forrest Camps (Sardis)
 Chilliwack Community Correctional Centre (Chilliwack)
 C.B.R.C. (Bonnyhvir Lodge) Surrey
 New Haven Correctional Institution (Vancouver)
 Haney Forrest Camps (Maple Ridge)
 Twin Maples Correctional Centre (Ruskin)
 Burnaby Community Correctional Centre (Burnaby)
 Marpole Community Correctional Centre (Vancouver)
 Lakeside Correctional Centre for Women (Burnaby)
 Lower Mainland Regional Correctional Centre (Oakalla) Burnaby

7. Federal/Provincial Agreements

Sometimes arrangements are made for people to serve federal sentences in provincial institutions if it places them closer to their family.

8. Additional Institutions

Vancouver Pretrial Services Centre - 275 East Cordova, Vancouver, B.C. - is a holding institution for those who have plead not-guilty to an offence. They are presumed innocent. They are held there either because they are not bailable, or because they are unable to meet their bail.

Vancouver Police Department Jail - 312 Main Street, Vancouver, B.C. - is used to detain those who have been arrested on a charge and were not released on their own recognizance. They are held until they appear in court to plead to the charge.

9. Services for the Offender in Vancouver

Elizabeth Fry Society

Services offered include:

- courtworkers to assist offenders
- counselling services
- transition houses

John Howard Society

Services offered include:

- adult/juvenile diversion
- employment/job skill counselling
- family counselling
- residential programs

10. Responsibilities of Corrections to Victims/Witness

Correctional services ensure the victim/witness' safety and prevent the offender from committing further crimes.

G. Crime Prevention

The past twenty years have witnessed an increase in public awareness and participation in crime prevention information. Focusing on theft prevention and personal safety, local police departments have organized programs such as Neighbourhood Watch to make crime prevention techniques available to the public. The B.C. Crime Prevention Association ensures that crime prevention information is circulated throughout the province.

Crime prevention and the Victim/Witness Services Unit have become intimately connected in an effort to prevent re-victimization. Victims and witnesses of crime must be informed of how the crime might have been prevented, not in a way that conveys responsibility or guilt, but so as to foster an understanding of the situation and assist the person to regain self-confidence.

1. Procedures Addressing Security Concerns

a. Neighbourhood Watch

The three components of the program include:

- i) neighbourhood watch, where neighbours meet in conjunction with police to organize and work together in preventing crime (ie. watch neighbours' homes while they are away, pick up mail and newspapers, report suspicious people in the neighbourhood, etc.).
- ii) property identification, where property is marked with engraving available at any public library with one's driver's licence number, jewelry is marked by a professional jeweler, and property can then be identified through CPIC. Take pictures of valuables for insurance claims. Use Neighbourhood Watch decals on valuable items and on windows and doors to discourage would be burglars.
- iii) home security

To ensure door security:

- a) outside door locks should be one inch dead bolts (double cylinder if glass is nearby)
- b) doors should be solid and windows nearby should be plexiglass or Lexan
- c) hinges should be inside the frame or installed with non-removable hinge pins or installed with a locking pin in a hinge plate
- d) sliding aluminum windows can be pinned by drilling a hole through the sliding frame into the stationary frame and then insert the pin. Commercial locks are also available for sliding doors.

To ensure window security:

- a) windows should be pinned by drilling a hole through the inside frame into the outside frame then inserting a pin or large nail
- b) basement windows should be replaced with plexiglass or Lexan or reinforced with decorative security bars
- c) seldom used basement windows should be permanently secured.

To ensure garage security:

- a) door should be locked at all times
- b) connecting door between garage and house should be solid and secured with a deadbolt lock
- c) any windows should be covered to avoid "window shopping".

To ensure personal security:

- a) install viewers in door
- b) do not rely on night chains.

b. Automark

Police mark vehicles with one's driver's licence number for identification. The program ended at the end of August 1984.

c. Crime Prevention Through Environmental Design (CPTED)

CPTED is a system of planning buildings or homes keeping in mind crime prevention techniques.

d. Operation Provident

The program involves marking property with a number allotted by the police for commercial establishments such as businesses, churches, or farms.

e. Business Watch

The program consists of crime prevention techniques applied to businesses in order to avoid and reduce risk of crime, as well as spread risk through the use of security devices.

f. Women Alone

Crime prevention techniques for women (ie. being cautious when walking alone, talking to strangers, or traveling alone) is the focus of this program.

g. Target Hardening

The program involves securing specific areas in the home as a result of a crime.

2. Crime Prevention Information and Services

a. Community Relations (Vancouver Police Department)

The following services are offered:

- lectures on preventing sexual assault
- home security and apartment security schemes, scams, and cons
- lectures on seniors power
- CPTED information
- business and robbery prevention lectures.

School Liaison Officers offer numerous lectures on drugs, sexual assault, etc. to students, as well as a counselling service.

b. Block Home Programme

- i) The program is sponsored by the Vancouver Parent Teacher Council. Each elementary school has a coordinator and the program has a city wide coordinator. It is organized by parents and teachers of each school but not affiliated with the Vancouver Police Department.
- ii) The program provides safety instruction for children of all ages. Homes are also provided for children in need of assistance.

H. Victims

1. Opinions and Attitudes of Victims

i. Canada

- a. According to the Canadian Urban Victimization Survey (1981), 58% of all personal and household victimizations went unreported.
- b. The most common reasons for not reporting the victimizations were:
 - i) the crime was too minor (68% surveyed gave this reason)
 - ii) victim's felt the police could do nothing about it (61%)
 - iii) too inconvenient or too time consuming (24%).
- c. Two-thirds of all sexual assaults (some estimates are as high as 85%) go unreported because of:
 - i) concern about attitudes of the police or the courts (43%)
 - ii) fear of revenge (33%).
- d. Crimes most likely to be reported are those that result in significant financial loss, not those that result in fear, injury, and pain.
- e. Many victims do not report their crimes because they feel that the criminal justice system is ineffective, or because they fear the consequences of making the report.

Note: The above information was obtained from the Task Force Report on Justice For Victims of Crime.

ii. Vancouver, B.C.

- a. The Victim/Witness Services Project discovered that victims of personal crime reported feeling less secure after the incident than property crime victims (72% to 57%), more anxious in public places (62% to 37%), and more suspicious of strangers (72% to 57%). Property crime victims felt their homes were not safe places more than personal crime victims (45% to 30%).
- b. Twenty-three percent (23%) of all general survey victims did not change their behaviors or crime prevention techniques after victimization. Forty-seven percent (47%) of personal crime victims changed their behavior patterns and eighteen percent (18%) of property crime victims did likewise.

- c. 92% of all victims of crime surveyed were terrorized, angry or upset at the incident
- d. 20% of all victims surveyed didn't find friends or families helpful in solving their emotional needs and problems after the event.
- e. Over 70% of personal crime victims reported feeling less secure and more afraid of strangers (over 50% of property crime victims reported likewise, in addition to feeling the streets of their neighbourhood were less safe).
- f. Over one third of victims claimed their relatives had problems as a direct result of the criminal incident that happened to them.

Victim Needs - Over 60% of victims reported having needs as a result of the crime that were not met.

The needs were:

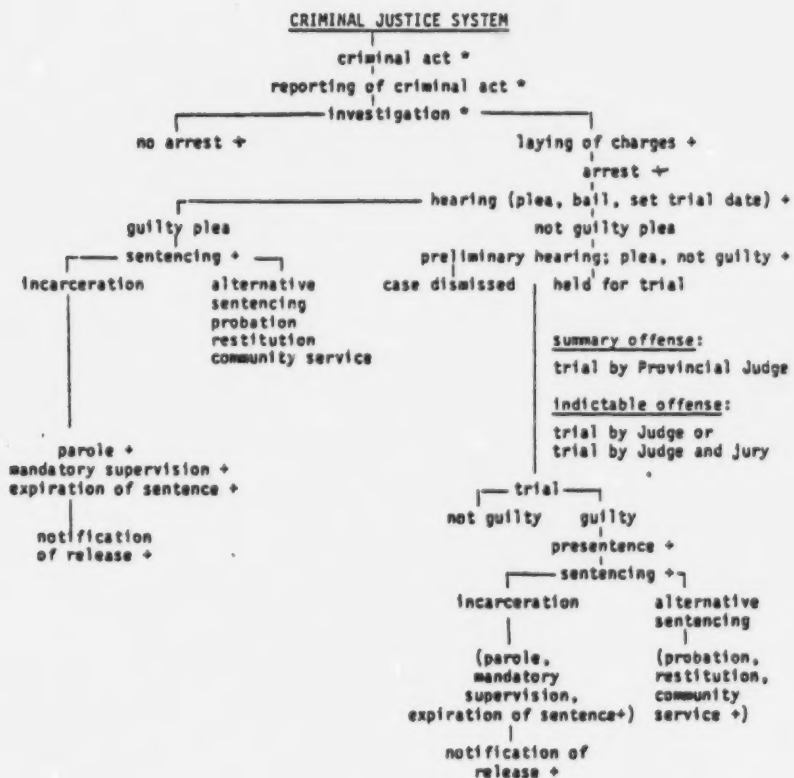
- 1. emergency home repairs
- 2. transportation to hospital/doctor's office/ social agency
- 3. someone to stay with them for comfort/security
- 4. someone to stay and talk to them after the police left
- 5. translation services
- 6. case progress information
- 7. crime prevention information
- 8. compensation for medical care costs (assaults)
- 9. employer/school intervention
- 10. advice on practical matters
- 11. legal advice (on criminal justice procedures only)
- 12. advice on social service assistance

Vancouver Police Department Officers Survey

- a. 100% perceived victims as having problems/needs as a result of being victimized (three of the ten recited needs were similar to those of the victims: case progress information, crime prevention information, and the need for emotional support to reduce the trauma caused by the crime).
- b. 91% felt a special service was necessary to provide victim services.
- c. 40% felt the family members at time have needs/problems as well as the victim.

2. Actual and Potential Areas of Victim/Witness Involvement in the Criminal Justice System

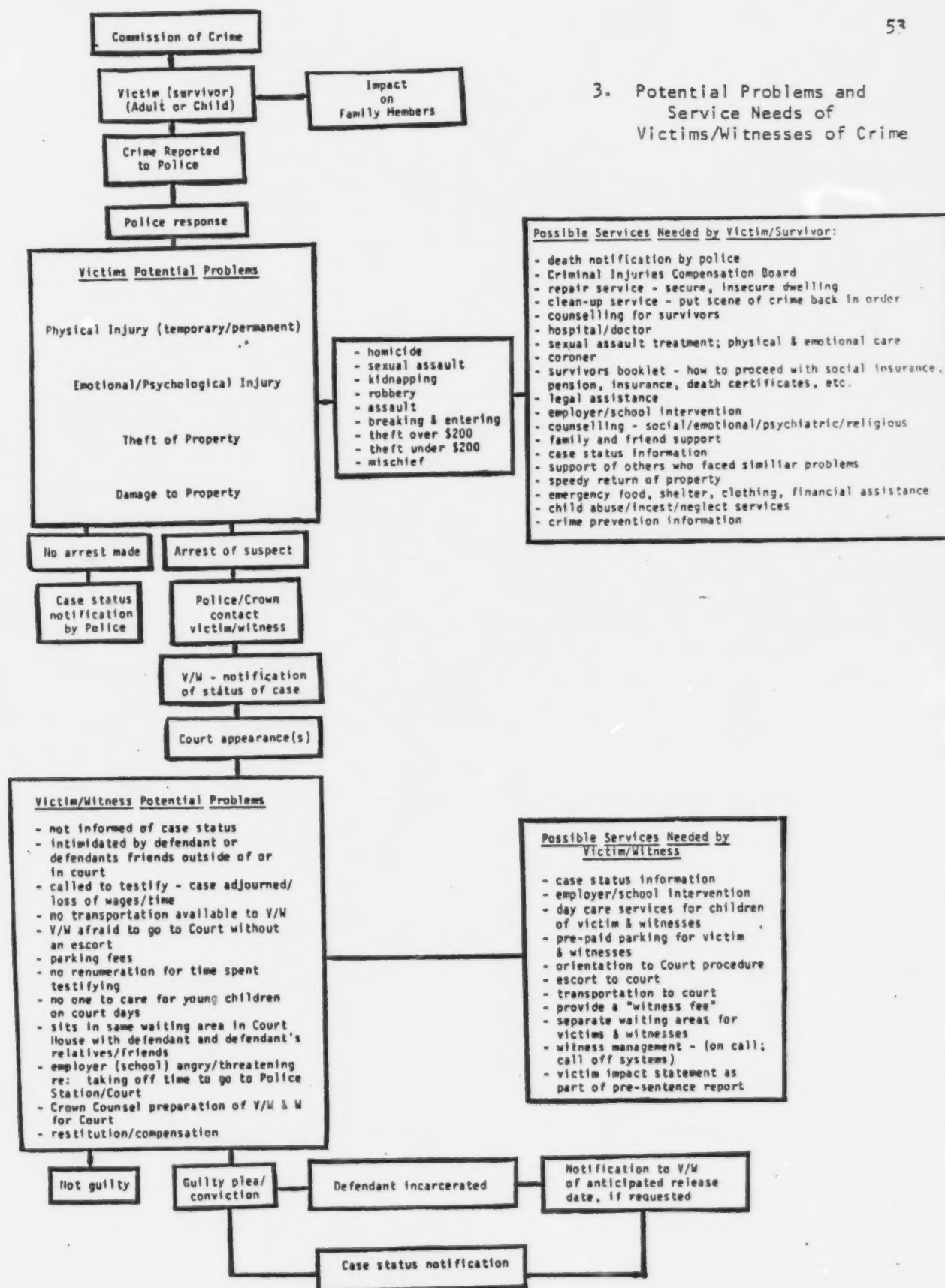
ACTUAL AND POTENTIAL AREAS OF VICTIM/WITNESS INVOLVEMENT IN THE CRIMINAL JUSTICE SYSTEM



* present victim/witness involvement

+ potential victim/witness involvement

3. Potential Problems and Service Needs of Victims/Witnesses of Crime



4. Victimizations' Effects on Victims

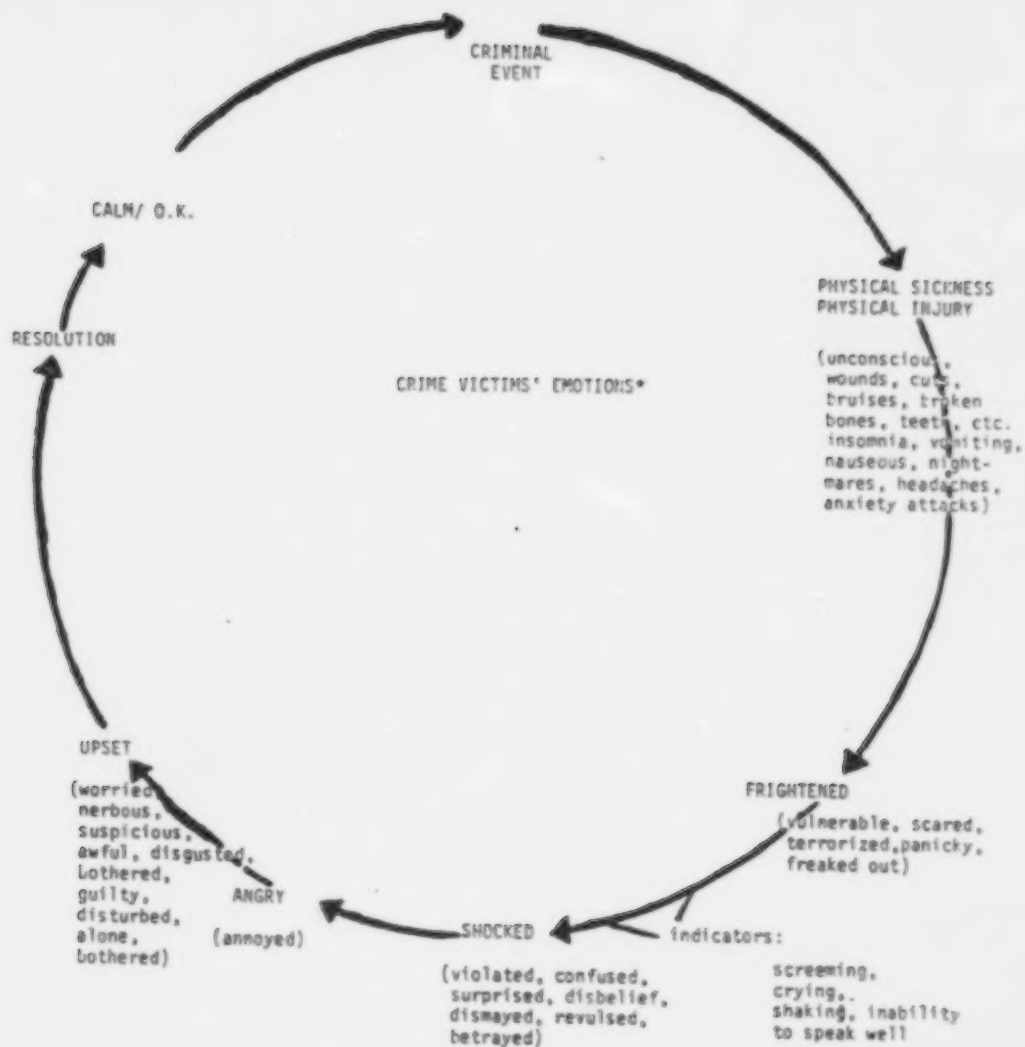
1) Physical

- a. Personal crime victims come face to face with the offender and may suffer physical injury.
- b. The fear and tension caused by the crime may cause sicknesses such as insomnia, vomiting, anxiety attacks, headaches, etc.

2) Emotional

- a. Feelings of trust and autonomy are basic to personality development and a sense of identity. Basic trust defines a person's sense of security, while autonomy gives a person a sense of control over his/her environment.
- b. A violent crime is a malevolent and deliberate breach of trust. It is also a surrender of the victim's independence. The victim loses control of the situation and is helpless and vulnerable. The fragility of a person's freedom and integrity is a startling and painful realization.
- c. Emotionally, the victim goes through the following cycle:
 - i) In the initial phase, the fear and the shock of the crime itself is followed by a feeling of disorientation, numbness, vulnerability, helplessness, and perhaps, disbelief.
 - ii) The second phase-is marked by mood swings (ie. fear, anger, well-being, sadness, elation, self-pity, guilt. This waxing and waning of tension, usually occurring over a period of months (depending upon the seriousness of the offence) is the time when the personality is beginning to reassemble.
 - iii) In the final phase, fear and anger diminish and become a memory. The crime is never forgotten, and the victim's view of the self and the world will be altered.

3) Cycle



* depending upon the offense, and the victim, some of these emotions may not be present, or may not surface.

4) Stress and Crisis

- a. Stress and crisis reactions are other effects of victimization.
- b. Factors that affect the stress reaction are:
 - i) the intensity of the event
 - ii) the suddenness of the occurrence of the event
 - iii) one's ability to understand what is happening
 - iv) stability of the victim's equilibrium at the time of the event.

c. Crisis reaction

CRISIS-----	SHOCK, DISBELIEF, AND DENIAL
EMOTIONAL TURMOIL-----	ANGER, FEAR, FRU- STRATION, GUILT AND SORROW
STRUGGLE-----	RELIVING THE EVENT, CONFRONTA- TION BIT BY BIT, AND A SEE-SAW OF REMEMBERANCE AND DENIAL
NEW EQUILIBRIUM-----	A RE-INVENTION OF LIFE

5) Continuum or Violation of the Self

The following information was obtained from a speech by Mortan Bard, Special Crimes Unit, New York City Police.

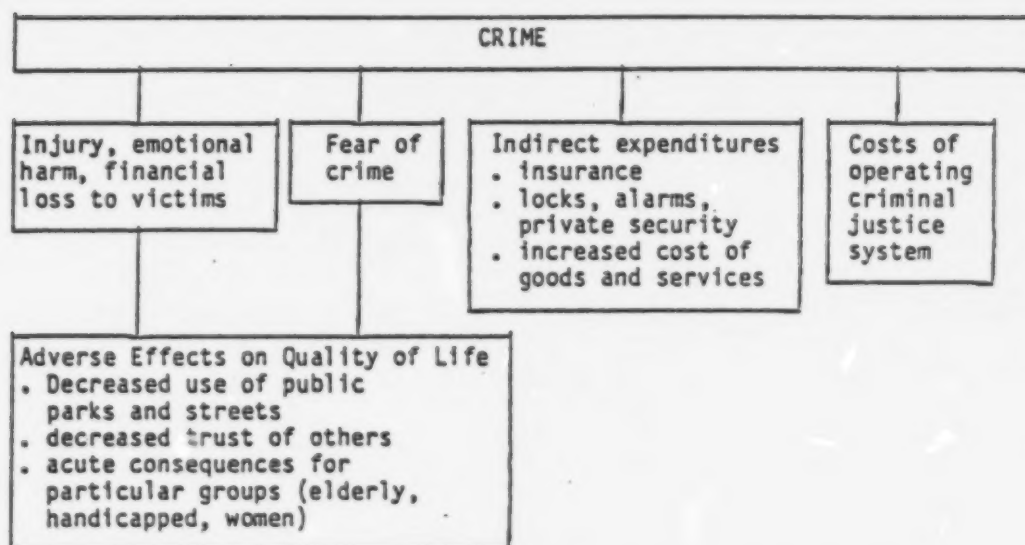
Each stage gets closer to a violation of self. All leave the victim feeling intruded upon. All leave the victim with a loss of control. In all stages, there is a threat of death to the victim. Moving from left to right, one could easily lead to the other. They are all aggressive and violent crimes. With this in mind, we can see how a robbery could lead to a rape which could end in murder.

1. Break and Entry	2. Robbery	3. Bodily Assault	4. Bodily Assault and Robbery	5. Rape	6. Murder
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1. Violation of a person's outer space. Most break and entries are marked with defilement. Person may often move as a result of her/his space being intruded upon.
2. Gets closer to the person's space. It is an attack upon her/his physical self. The feelings of violation are stronger.
3. It is the person who is attacked rather than the person's material possessions. The sense of violation continues to grow stronger.
4. Compound a robbery with bodily assault and the violation is again intensified.
5. Rape is the extreme violation of self. It tramples one's inner space. Mind, body and soul are violated. It is the closest thing to murder. One must always remember, when dealing in a crisis situation with a victim of rape, that she has looked death in the face.
6. Annihilation.

5. Victimization's Effects on Society

OVERVIEW OF IMPACT OF CRIME ON SOCIETY



- The impact of crime on specific victims is highlighted by findings from victimization surveys in Vancouver and Toronto.¹

For assault, approx: - 3 out of 4 victims were not injured;
 - 1 in 12 victims required medical attention;

For break & enter approx: - 1/3 involved losses over \$200
 - 1/3 involved losses less than \$200
 - 1/3 of the incidents involved no loss

- Victims are compensated (e.g. insurance) for approximately 50% of their losses from crime.
- For the majority of crimes, women and the elderly are less frequently victimized, but suffer more from the fear of crime, than do men and younger persons.

Sources: 1. "Greater Vancouver Victimization Survey". (Unpublished) Research Division, Solicitor General Canada. 1981.

Burglary: The Victim and the Public, by I. Waller and N. Okihiro, University of Toronto Press, 1978.

I. Witnesses

1. Problems/Needs of Witnesses

- a. Case progress information (ie. witnesses are not told at the scene of the crime that they may be expected to testify in court).
- b. Victims may be asked to testify as witnesses and many of the previous negative emotions may resurface.
- c. Lack of knowledge about the court process causes frustration (ie. Where is the courtroom? How long will their testimony take? What is expected of them? Will the defence lawyer humiliate them? etc.).
- d. Financial losses (ie. loss of wages, transportation, parking, daycare costs, etc.).
- e. Inconveniences (ie. having to run out of the court house every half hour to put money in the parking meter).
- f. Anxiety of having to wait in the same room as the accused.
- g. Inconveniences, financial loss, anxiety and frustration may be compounded by having the case postponed.
- h. Lack of consideration by the court staff (ie. neglect to tell witnesses of postponement).

2. Problems/Needs Identified by the Victim/Witness Services Project

- a. The following are problems encountered by witnesses:
 - i) questions about the subpoena
 - ii) reported that they had been intimidated
 - iii) reported that they were afraid to give testimony
 - iv) reported problems that occurred due the court attendance
 - v) did not testify the first time they attended court
 - vi) felt that knowing more about the court system would have helped them
 - vii) would have liked the information regarding the completion of the case.

b. The following are needs reported by witnesses:

- i) employer/school intervention
- ii) information on the court process
- iii) separate waiting area for the defendant
- iv) escorts to court
- v) information on the outcome of the case
- vi) protection from intimidation
- vii) parking problems and monetary compensation for parking and other expenses.

3. Effect on Witnesses' Testimony

- a. The frustration, inconveniences, postponements, lack of consideration, and the financial losses may all make the witness impatient so that they rush through their testimony leaving out information or making mistakes.
- b. The witnesses may be nervous (return of previous emotions, not knowing what to expect, and speaking in front of others) and forget their testimony.
- c. The anxiety of having to wait in the same room as the accused along with the fear of future harassment may cause the witness to deliberately omit parts of his or her testimony.

Source: Dale Christenson, Witness Assistance: A Policy Paper, unpublished.

4. The following information is given out to witnesses when they appear at the Alexander Street office of the Crown Counsel. It is also available at the office of the Ministry of the Attorney General of British Columbia.

COURT PROCEDURE

- (1) At the opening of the trial of your case there will often be an "Order of Exclusion of Witnesses", requiring all witnesses to leave the courtroom so that they may not hear each other's testimony before giving their own testimony.
After this order is made, you will then leave and wait outside the courtroom until your name is called.
Once your name is called, come into the courtroom and go up into the witness box.
- (2) As a Crown witness, you will first be questioned by myself regarding your involvement in the matter before the court. When I have concluded my questions, the Defence Counsel will question you about your testimony. The Judge will then excuse you and, in most cases, you are free to leave or you may sit in the courtroom if you wish.
- (3) - Refer to the Judge as "Your Honour" and direct your answers toward him.
- (4) Speak more loudly than you normally would. The microphones in front of the witness box do not amplify your voice; they only serve to tape record the proceedings. Also remember to speak more slowly than you normally would, since the Judge will be making notes of your testimony.
- (5) If you are late: Please go to the trial courtroom. When you get there tell the Sheriff in that courtroom your name and the case you are a witness on. He will then pass that information on to me.

YOUR TESTIMONY

- (1) Your answers: The court is interested in what you have to say about the case before it. Therefore, please be as clear as possible about your evidence.
That is, avoid phrases such as "I think" and "I guess" as they can sound misleading.
If you are sure that something occurred, make that clear. For example, "I saw X hit Y."
On the other hand, if you are sure that something did not happen, make that clear. For example, "I did not see X hit Y."
Finally, if you are not sure whether something happened or not, say "I am not sure whether ...".
If you are asked for an opinion but you don't feel that you can give one, simply say, "I can't give an opinion on that", or "I don't feel qualified to give an opinion."
- (2) Questions: If you do not understand a question that either I or the Defence Counsel or the Judge asks you, just ask that the question be repeated. It is very important that you understand what is being asked.
- (3) Take your time.
- (4) Be sure of the date, time of day and location (address) of your involvement with the circumstances before the court.
- (5) At some point in your testimony I will ask you, "In what city and province did the events related in your testimony occur?". In most cases, the correct answer is "Vancouver, British Columbia" (not "B.C.").
- (6) Prior to giving your testimony, carefully think about your involvement in the matter before the court. Review the order in which the events happened and try to remember particulars such as: the exact words stated in conversations, the number of persons present, lighting, weather conditions, distances, speed, license numbers, colours, etc.
- (7) Identification: Your testimony will often require you to relate the actions of another person. If the identity of that person is an issue in the trial, I will first ask you to describe that person as he appeared at the time of the events you have related in your testimony. I will want you to testify about that person's height, weight (heavy/thin), hair colour and length, clothing and the estimated length of time that you observed this person.
I will then ask if you see that person (in the courtroom) today. If your answer is "Yes", I will then ask you where that person is seated. Indicate by pointing (with out-stretched arm) and describe the clothing that person is wearing today.
- (8) Hearsay: As a general rule, you may not relate in court what someone else has told you. Where it applies, I will discuss this with you before the trial.
- (9) Please inform me before the trial if you have any reason to not state your address in court.

CONCLUSION

If you have any questions, please don't hesitate to ask me.

I realize that for many witnesses this court attendance is an inconvenient and a nervous affair. Our justice system depends upon your involvement and your cooperation and patience is most appreciated.

5. Witness Testimony

- a. All witnesses of crime can be subpoenaed to attend court.
- b. Once a person takes the stand they may be forced to answer all questions or be held in contempt of court. The maximum sentence is a \$500 fine and/or months imprisonment.
- c. If you fail to appear after being subpoenaed, a warrant will be issued for your arrest. The maximum sentence is a \$100 fine and/or ninety days imprisonment.
- d. You may not refuse to answer because of self-incrimination. You may however ask for protection under section 5 of the Canada Evidence Act which will allow your answer not to be receivable in another court case, neither civilly or criminally.
- e. To date, section 13 of the Canadian Charter of Rights and Freedoms (protection against self-incrimination) has not been judicially interpreted. Therefore the extent of this section is unknown.
- f. Canada also lacks any laws which protect confidential information. For example:
 - i) The courts recently subpoenaed a Catholic priest and required him to testify about someone's confession.
 - ii) A doctor or lawyer may also be subpoenaed.

III. Skills Necessary for the Performance of Duties

1. General Information about the Worker/Client Relationship

- a. The worker/client relationship is to be totally professional.
- b. All offers by clients for meetings with workers are to be conducted at 312 Main Street.
- c. No workers are to meet with clients when they are not on duty or authorized by the Project Director to do so.
- d. Workers must make it clear to all clients that there is no confidentiality of information between them.
- e. Worker's knowledge of their clients' or clients' knowledge of criminal activity by themselves or others must immediately be reported to the Director or Supervisor of the shift.
- f. All workers must warn their clients that any admissions to involvements in criminal activity will be reported to the appropriate authorities.
- g. Workers have a very real chance of being summoned to court, questioned by the police, or government investigators (ie. Criminal Injury Board).

2. Common Questions Victims Ask

a. SHOULD I REPORT THE CRIME?

Victims often ask the worker for this type of advice. You can't force the victim to report , but you might explain the following:

- Criminal Code of Canada requires citizens to report crime
- by reporting a crime, you may save someone else from being hurt by the same offender
- failure to cooperate this time may jeopardize ones position for future cooperation with the criminal justice system over a similiar type of incident.
- you may be signaling the offender that it is all right to commit this type of crime against you by not reporting the crime.
- the service unit will assist the victime through the court process with arrangements for child care, transportation, employer mediation, etc.
- warn the victim that there may be delays and that the police or prosecutor may not proceed with charges after the crime is reported. Also, warn that the courts may not convict or serve a punishment that the victim thinks is fair.

b. IF I TESTIFY WILL THE OFFENDER RETALIATE?

As victim workers we have no way of guaranteeing that an offender will not retaliate. We are also not in a position to offer extra protection outside of reporting the fear of reprisal to the Department's attention. However, you can explain the following:

- most offenders do not retaliate
- if threats or harassment occurs, notify the police immediately
- you may apply to the Supreme Court of B. C. for a restraining order.

c. WHAT IS HAPPENING WITH MY CASE?

Every victim/witness worker should be prepared to acquire and relate the following information.

- has the suspect been charged. (but no information on suspects)
- when is the court date for preliminary hearing
- did suspect receive judicial interim release (bail)
- if there are any conditions to the release
- name of prosecuting attorney (Crown)
- disposition of preliminary hearing
- trial date

- disposition of trial
- name of institution if offender was incarcerated
- conditions of probation
- expected earliest release date (1/3 of total sentence, unless otherwise stated by Judge in terms of minimum number of years to be served)
- information on day passes for inmates

d. WHAT WILL HAPPEN IN COURT?

Victims often know little of our judicial process. What they may know may be remembrances and unrealistic television dramatizations. You should explain the natural occurrence of events and the role of court actors.

- laying of an information
- preliminary hearing
- choice of trial mode
- expectation of the victim as a witness
- the availability of support services from the victim/witness services unit

Be brief and do not overwhelm the victim with details unless specifically asked for.

e. WHY AREN'T THE POLICE DOING ANYTHING?

Let victim know that television is a poor example of police work. Do not make excuses for the police department but explain the following:

- there must be reasonable and probable grounds that a specific suspect committed the crime
- the police must have enough evidence to convict the person they charge. If the police fail to convict the first time the person can not be charged again for the same offence.
- it may be a civil matter. This type of victim should be referred to legal services for civil remedies.
- no "crime" may have been committed even though the victim sees himself as a "victim"
- explain that a proper investigation takes many officers and often a lot of time.

Always offer to advise a victim of any progress made in the case in the future.

f. HOW CAN I GET MY PROPERTY BACK?

Some property may be photographed and returned immediately. Other property may have to be held until the case is decided by the courts.

- offer to check out the status of the property and return a call to the victim.

g. DO I HAVE ANY RIGHTS AS A VICTIM?

At present victims have very few legislated rights other than those rights of all citizens. However, the following may be explained to victims:

- all victims of personal crimes are entitled to apply to Criminal Injuries Compensation Board.
- some victims may wish to contact legal services and pursue civil suits. It should be noted that some lawyers will work on a contingency basis.

h. WHO WILL PAY FOR THE PROPERTY OR PERSONAL DAMAGES?

- The Criminal Injury Board will only cover personal crimes.
- a victim may be covered by personal insurance
- If the victimization occurred at the workplace, Workers Compensation may cover losses of wages
- some victims may wish to contact legal services and pursue civil suits. It should be noted that some lawyers will work on a contingency basis.
- the courts may order restitution, but this is seldom done

3. Suggestions for First Contacts With Victims

The following is taken from the Lincoln, Nebraska Victim/Witness Unit Training Manual.

- I Never proceed with a young victim until parent/guardian is notified. This includes all victims under 18 years of age. Parental/guardian consent is mandatory.

II Contact

Ask to speak directly to the victim. If the victim is not available, use your judgment in speaking to a family member (e.g. usually okay in burglary cases or to the parents/guardian of young victims.). Never give information to employers or co-workers. In these cases or if you decide that a family member should not be involved, give only your name (if asked) and say that you will be calling back. Do not mention Victim/Witness Services or give our number. Determine when the victim can be reached and make arrangements to call them (or leave a follow-up request).

III Introduction

- A. Make up an introduction in your own words with which you are comfortable. State your name and that you are a worker with Victim/Witness Services. Include pertinent information about the service (non-profit, social services to crime victims in Vancouver, located in the Vancouver Police Department, free, etc.). You may describe specific services which could be relevant to the type of crime or include other information you feel is important.
- B. Indicate that we understand that they have been a victim of a . Give the referral source only if the victim asks. If the victim is concerned about referral from the police or from police records, explain that we are housed by the Department. They can verify this by contacting the Department switchboard at 665-3535. The victim is under no obligation to talk to us, but we are calling to express concern for them as crime victims and would be happy to help if we can.
- C. Confirm that the victim knows who we are and the reason for our call before launching into questions.

IV Assessment

- A. The following questions might be helpful:
 1. How are you doing? Are you okay? Were you hurt? Did you go to the hospital? Did the doctor tell you to come back? What do you plan to do about medical treatment?

2. How safe do you feel? Would you like some crime prevention information? Would you like us to do a home security check?
 3. Have you talked to the police? to a prosecutor? Any problems?
 4. Do you know if the criminal has been caught? Do you know if a warrant has been issued? If the case is prosecuted, someone from our service will be glad to accompany you when you testify in court.
- B. Use your judgment about asking for details of the crime. Too much curiosity could be perceived as "prying", particularly before you establish trust. Questions should always be expressed in a conversational, concerned tone of voice. Sometimes just asking where and when the crime happened can help a victim open up.
- C. If they should ask you why you are asking so many questions say that:
1. we need to understand their situations to identify areas where we might be able to help,
 2. it is important for us to document the kinds of problems victims have so we can improve our services.

V Problem Identification

Summarize problem areas you've noted (if any). Make sure the victim agrees with your assessment. Don't second guess. If there are multiple problems, you may want to prioritize them.

VI Future Action Determination

- A. Confirm that the victim would like us to assist. Clarify the next steps. If you are unsure about services we can provide or need to do some research, ask the victim if it would be okay with her/him for you to get more information and call them back.
- B. For the first call, it is a good idea to provide some service immediately to "come through" for the victim. However, there may be things that the victim must do (e.g. find out about insurance, etc.). In these cases or once our credibility has been established, you might want to develop an information contract or plan of action with the victim which identifies 1) what the victim needs to do and 2) what Victim/Witness services may be needed. It is best to say, "We'll see what we can do and let you know."

VII Wrap Up

You might say, "Is it okay if I send you some material which describes our agency? Let me give you our phone number and office hours if you need to get in touch in the meantime."

It should be made clear whether we will or won't be calling back. If the victim wishes us to follow up, establish a convenient time to call when the victim is most likely to be home. Determine if there are others in the household with whom we can discuss the case.

4. Note Taking

- a. It is difficult to take notes when dealing with a victim.
- b. You should make notes as soon as possible after your contact.
- c. Be as complete and concise as possible.
- d. Get the basics (ie. who, what, where, why, and by what means).
- e. When the victim is present, only take notes on the information you will not remember (ie. date, case number, etc.) In order that you remain attentive.

5. Record Keeping

- a. All calls, visits, referrals, etc. must be recorded.
- b. Record all available and necessary information as well as any follow-up information.
- c. The forms to be used are the Solicitor General Inquiries Form and the Detailed Case Information Form.
- d. General Inquiries Forms are to be used for all victims contacted.
- e. Detailed Case Information Forms are to be used when contact extends beyond a brief phone call or routine offer of assistance.

6. Listening Skills

- a. Stop talking. You cannot listen while you are talking.
- b. Empathize with the other person. Try to put yourself into the victim's position in order that you can see what he/she is trying to get at.
- c. Ask questions when you do not understand. This also shows that you are listening.
- d. Concentrate on what is being said.
- e. Leave your emotions behind, if possible. They may interfere with your hearing what is being said.
- f. Don't react to appearances. Do not let your reactions to the person influence your interpretation of what he says. His ideas may be good even if you don't like him as a person or the way he looks.
- g. Listen for what is not said. What has been left out?
- h. Listen for how something is said. Often a person's attitude and emotional reactions can be more important than what he says in so many words.
- i. Avoid jumping to assumptions.
- j. Avoid hasty judgements.
- k. Do not be a "C A R T E D B L I H P".

The following information has been obtained from a seminar by Dr. Donald Noone, Executive Director of the Family Learning Institute, 1975 North Brunswick NJ.

C criticize

A analyze

R reject/remake

T talk too much

E excessive expectations/exaggerate

D deny the problem/discount the problem

B belittle/blame

L lecture

I insult/ignore/impose/interrogate

M manipulate/mandate/moralize

P preach/pressure/patronize/praise

7. Communication Skills

- a. Communication is the imparting or interchange of thoughts, opinions, or information by speech, writing, or signs.
- b. Communication occurs verbally and nonverbally:

Non-Verbal

- i) sign language (ie. thumb - hitchhiking)
- ii) action language (ie. glancing at clock - impatience)
- iii) object language (ie. clothes, car, or house)

Non-verbal communication is revealed through facial expression, eye contact, body movements, hand gestures, distance, personal appearance, and clothes.

Verbal

- i) words have both connotative and denotative meanings. Your connotative meaning may differ from another's due to varying experiences.
 - ii) make messages complete. Words also serve as a check to see if a message has been understood.
 - iii) different language may be required for different individuals (ie. one doesn't normally talk to one's boss in the same manner as one talks to one's roommate or friend.
 - iv) be flexible (ie. use words such as sometimes, possibly, or perhaps rather than rigid words such as always, none, or never.
- c. The following information has been obtained from Greta Davis, Civil Service Commission, Washington, D.C.

When communicating, there are:

- i) Inflection Matters (ie. The teacher said the student is a fool and The teacher, said the student, is a fool).
- ii) Differences in Rate. People can talk 165 - 170 words per minute. The brain can process three times as many words per minute. Therefore, one had to make a conscious effort to slow down.
- iii) Mirror Techniques
 - a) parrot back information
 - b) listen to how the information is said
 - c) paraphrase (ie. I think I heard you say . . .)
 - d) clarify misconceptions, but keep your own perceptions out of it

- d. Empathy is necessary for effective communication. Empathy means to stand in another's shoes for a moment, to get inside. The following are ways to show empathy:

i) Reflection - paraphrasing both feelings and content by:

- a. listening for feelings (ie. tone, words, speech, sighs)
- b. acknowledging feelings you hear
- c. checking out what you think you hear

ii) Respect - communicated more by attitude than by any specific response through:

- a. commitment - focus on victim, give him/her your undivided attention, demonstrate you are committed to understanding him/her
- b. warmth - voice tone and choice of words
- c. acceptance - non-judgemental, non-prejudiced
- d. victim initiative - allow victims to make own decisions if possible
- e. genuineness - in showing empathy it is important to be genuine as possible (builds rapport and trust).

- e. You are the leader.

The following information has been obtained from a seminar by Dr. Donald Noone, Executive Director of the Family Learning Institute, 1975 North Brunswick NJ.

Leadership means:

- L likeable/listener
- E expertise/efficient/energetic/enthusiastic
- A assertive/accessibility/authority
- D determined/dedicated/diplomatic/daring/dynamic
- E empathetic
- R realistic/risktaker/reliable/responsible
- S sincere/sensitive
- H honest/humor (sense of)
- I initiative/instructive/intuitive/integrity
- P productive/patient/purposeful/priorities (sets)

f. The following are some rules for communication. When responding to a victim focus on:

- i) behavior rather than the person (ie. person who throws clothes around versus slob)
- ii) observation - concentrate on what you see versus what it means
- iii) describe rather than judge
- iv) keep focus on the specific situation
- v) focus on sharing ideas
- vi) focus on alternatives for problem solving
- vii) focus on the value something has to the receiver rather than yourself
- viii) time and place of feedback is important. What is acceptable today may be acceptable tomorrow (ie. at the scene of a crime, almost no solution may be acceptable versus at the scene of an impartial office).
- ix) focus on what questions as they are beneficial toward problem solving (ie. What did you do? What did they do? Not why did they do that? etc.

8. Interviewing Skills

- a. Interviewing is an interaction between at least two people. The purpose may be varied, but in general, it is to gain information.
- b. The interviewer's role is to:
 - i) gather accurate information
 - ii) determine the nature of the problem - what are the issues - ask all questions that are necessary.
 - iii) think about what caused the problems
 - iv) identify approaches to resolving the problems
 - v) never promise what you can't deliver.
- c. The following are points to remember during an interview:
 - 1) be courteous and polite
 - 2) be attentive and alert - listen carefully
 - 3) be neutral as much as possible, but empathetic
 - 4) be personable and pleasant
 - 5) be firm, in order to keep control
 - 6) be positive, about chances of helping the victim
 - 7) be assertive, but not authoritative
 - 8) be flexible, but reasonable
 - 9) keep meeting on track the issues at hand
 - 10) be reasonable
 - 11) be concise and use appropriate language
 - 12) be honest and authentic
 - 13) be calm, cool, and patient
 - 14) be confident in yourself
 - 15) be delving, but not noseey in your questioning

- 16) study alternatives and new information
 - 17) be careful - choose the right time and place for the interview as it could be dangerous to you if you do not
 - 18) be trustworthy - assume confidentiality only to the extent you can deliver and promise only what you can deliver
 - 19) be yourself without over identifying with the victim. Be wary of becoming too involved.
 - 20) end on a positive note
 - 21) don't be opinionated regarding their attitudes or general behavior
 - 22) don't be dictatorial or bossy
 - 23) don't interrupt another's speech unless it is necessary to keep good control
 - 24) don't use words that trigger emotionalism (ie. vindictive, eye for an eye, punish, hate, get even, kill, beat up, etc.)
 - 25) don't be condescending - giving them the impression that their problem is trivial, even if it is to you.
 - 26) don't be harried and hurried - giving the victim the impression that you are in a hurry to end the interview, even if you are.
- d. Whether interviewing in person or on the telephone it is imperative that you be there totally, not thinking of playing golf, your date tonight, etc. Concentrate on the here and now. Really listen effectively.
- e. The following are the stages of an interview:
- 1) Preparatory
 - choose environment/isolate if possible
 - focus on needs of the victim
 - calming
 - ventilation
 - establish rapport
 - prepare and predict

2) Informational

- attempt to use open-ended questions
- ask one question at a time
- still deal with personal concerns of the client if they arise

3) Supportive

- after information is gathered, return to the victim's personal concerns and address them as clearly and completely as possible
- referrals may be appropriate
- further contact may be necessary

f. Problems Encountered When Doing Interviews

- a. Making a smooth acceptable entry
- b. Having clients find you an acceptable interviewer - trust building
- c. Dealing with cultural differences
- d. Demonstrating empathy not sympathy
- e. Demonstrating impartiality when necessary
- f. Remaining ethical at all times
- g. Abuse of interviewer by client
- h. Becoming hard, callous, and stale (burn out) and therefore functioning poorly
- i. Curiosity versus what you need to know
- j. Guilt of victims prevents adequate communications
- k. Interviewing mentally handicapped, emotionally handicapped, or child victims present further problems
- l. Finding a solution
- m. Ending an interview acceptably

g. Problems Encountered on the Telephone

- a. Lack of observing non-verbal skills. You must therefore listen more carefully.
- b. Lack of face to face contact
- c. Distractions
- d. Difficult callers (ie. silent caller, third party callers)

5) Closure

h. Problems Encountered in Person

1) Taking as few notes as possible

2) Memory loss

Three rules for improving memory are:

- concentration
- association
- repetition

3) Distractions

4) Entry

5) Silent Interviewee

6) Closure

9. Counselling Skills

A. Therapeutic Approaches

Therapeutic approaches arise out of specific theories of personality, each with their own basic assumptions and key concepts. These approaches are inevitably bound by the strictures of those theories. Victims of crime often manifest situationally induced psychological traumas that are not suitable for treatment by all therapeutic approaches. Agitated or angry persons in acute crises, for example, may become even more defensive and resistant if met with more traditional therapeutic approaches which require insight, reasoning, and interpretation. It is nevertheless appropriate to have at least a minimal understanding of the therapeutic responses, and the instances in which they are apt to be applied. For this purpose, they have been arranged into three basic models: the psychoanalytic approach, the behavioral approach, and the existential approach. These models are not mutually exclusive, but rather, represent different vantage points for understanding human behavior.

B. Psychoanalytic Approach

- a. The psychoanalytic tradition provides a conceptual framework for looking at behavior. Behavior is seen to be determined by psychic energy and early experiences.
- b. Id, ego, and superego, the basic structures of personality, interact and determine present behaviour, an interaction to which unconscious motives and conflicts are central.
- c. Anxiety is the result of the repression of these basic conflicts. In turn, the ego defences (ie. denial, reaction-formation, and repression) are developed to control that anxiety.
- d. Foundations for love and trust, an ability to deal with negative feelings, and a positive acceptance of sexuality are all formed in the first five years of life.
- e. Normal personality development is dependent on the successful resolution and integration of the psychosexual stages of development: oral, anal, phallic, latency, and genital. Inadequate resolution of some specific stage result in faulty personality development.

- f. The psychoanalytic therapist's major goal is to make the unconscious, conscious. Using techniques of free association, dream analysis, and interpretation, the therapist seeks to help the patient recall, recover, and reintegrate unconscious materials.
- g. The therapy concentrates on the past and on the inner world of the individual. Of necessity, it is a long-term intensive process to uncover conflicts. It is a therapeutic response typically used for neuroses.
- h. Psychoanalytic therapy provides a conceptual basis for understanding unconscious dynamics, the importance of early development as it relates to present difficulties, anxiety and ego defences as a way of coping, and the nature of transference and countertransference.
- i. The major proponent of this approach was Freud, followed in later years by people such as Adler, Erickson, Horney, and Sullivan, who altered and expanded his ideas to include social factors.

C. Behavioral Approach

- a. Behavior is seen as a product of learning and conditioning. The focus of the behavioral approach is on the overt behavior targeted for change, the specific goals of treatment with its attendant treatment plan, and objective evaluations of therapy outcome.
- b. Normal behavior is learned through reinforcement and imitation. Faulty behavior is seen as the result of faulty learning.
- c. The goal of therapy is to identify and change maladaptive behavior patterns to constructive behavior patterns.
- d. In the interaction between the therapist and the client, the therapist is directive and functions as a teacher to help clients learn effective behavior. The client is active in the process. A good working relationship between the two is the groundwork for implementing behavioural procedures.
- e. The main techniques are systematic desensitization, implosive therapy, assertive training, aversion therapy, and operant conditioning. All are based on principles of learning and are geared toward behavior change.
- f. The focus is on present behavior with little concern given to the past, or questions concerning the "why" of behavior. The approach is typically short term, and because clients are taught specific skills, the approach does work toward self-direction and independence.

- g. The stress is on doing as opposed to talking about problems or gaining insight. In this context, problem-solving may be overemphasized to the exclusion of the role of the emotions and feelings. It is a therapeutic response that is successful with phobias.
- h. The behaviorial approach is pragmatic. It is based on experimental validation of results, and has a wide applicability for individual or group therapy.
- i. The current trend in behavior therapy is toward an increased acceptance of subjective factors (ie. beliefs, thoughts, inner speech, and other cognitive activities).
- j. The initial proponent of this approach was B. F. Skinner.

D. Existential Approach

- a. This approach has several possible terms that are used to describe it. Among them are existential, person-centered, or eclectic. At it's center is the tendency toward growth and self-determination, the capacity of the individual to will, choose, and decide.
- b. The existential approach is fundamentally positive with a focus on the present moment and with an orientation toward the future, rather than on past events.
- c. Self-awareness, "reality as it is perceived", is sought by experiencing and expressing feelings, rather than by a therapists interpretation.
- d. Within this approach, mental health is the congruence of the ideal self with the real self, while maladjustment is the result of the discrepancy between what one wants to be and what one is.
- e. Therapists seek to maximize self-awareness and growth by providing a safe environment conducive to a client's self-exploration and discovery of freedom of choice.
- f. Toward these ends, the relationship between the therapist and the client is of primary importance and it is a relationship that will bring change to both participants.
- g. Warmth, accurate empathy, genuineness, respect and permissiveness are attitudes that are stressed to achieve this relationship. Few attitudes flow from this approach, but rather, it is the attitudes of the therapist that are important. Active listening, reflection of feelings,

- g. clarification, and "being there" for the client are the basic techniques. Testing, probing for information, questions, or interpretations are not deemed important by this approach
- h. The existential approach is fundamentally subjective and based on a complete view of the human condition. The client assumes responsibility for the course of the therapy, and takes an active stance in that process.
- i. This approach has wide applicability for individual and group counselling and therapy. The counselling does not offer a treatment plan, but is seen as a spontaneous experience and encounter between two humans with attention on the "here and now".
- j. Because of the flexibility of the existential approach, present orientation, and interactional qualities, it is an approach particularly suited for victims of crime.
- k. The major proponent of this approach was Carl Rogers.

E. In Person

1) Long Term Counselling

- a. Long term counselling may be necessary for:
 - i) victims who have faced severe life disruptions and are having trouble finding adequate and/or appropriate coping skills to deal with the disruption
 - ii) persons who are unable to move out of the acute crisis stage.
- b. People who appear to need long term counselling should be referred to appropriate agencies.

2) Short Term Counselling

- a. Short term counselling may be necessary for:
 - i) victims to help them recover from the stress resulting from victimization
 - ii) persons who require aid for a few days or intermittent contacts over a few months.
- b. Before counselling victims, would-be counsellors should:
 - i) try and understand their own philosophy about life, crime, and victimization
 - ii) become aware of and acknowledge emotions that may accompany a counselling effort
 - iii) keep in mind that your problems are not the problems of the victim .
- c. The counsellor must remember the need for as much confidentiality as possible and the need to remain as neutral as possible.

Note: Many times families and friends of the victim feel fear, frustration, or anger at the victim himself / herself, and may therefore, be unable to provide needed support to the victim while attempting to deal with their own emotions. It may thus be appropriate to provide short term counselling to a victim's family and friends.

F. On The Telephone

- a. Get all the important information at the beginning of the telephone call (ie. victim's name, telephone number, and the general scope of the problem).
- b. Counselling on the telephone may be more difficult as there is no face to face contact. As a result, you need to be more aware of how things are being said (ie. tone, feeling, and pauses).
- c. Maintaining control while counselling on the telephone can also be difficult. Be aware that callers have a tendency to take control of the conversation when they have placed the call.

G. Short Term Counselling Guidelines

The following guidelines are outlined by the National Organization for Victim Assistance (NOVA) to help those counselling victims of crime.

1) Encourage the victim talk

Often the victim may connect things in his past and hopes for the future to the trauma of the present victimization.

2) Listen

- a. Some professionals refer to it as "active" listening. There are two important aspects to it.
- b. First is the ability to maintain silence. Sometimes this involves long periods of time. The victim needs that time to sort things out.
- c. Second is the ability to respond with sympathy to the feelings of another even though one's own feelings may be different. It is the ability to generate warmth, to be genuine, to show respect, and maintain objectivity even when the counsellor is certain that he would respond very differently in a similar situation.
- d. The active listener recognize that something is "wrong" for the victim, and that, with patience, probing questions, and short summations of what the victim has said, both the victim and the listener will get an intellectual grasp of what the wrong involves - which is a first step in regaining control.

3) Motivate the victim into self-exploration

- a. This involves helping a victim understand what he can do to confront or change his situation. Undoubtedly, this phase of counselling for the victim is full of confusion. In many cases, however, it is not the crime itself which leaves the victim in disarray, it is other concerns such as sexual beliefs, lack of intimate support systems, and society's response, which lead him to a sense of outrage and confusion.
- b. In this phase, it is important for the victim to identify values which the experience may have brought into question. Values associated with justice, sex, revenge, and security may need restructuring.

- c. A burglary victim, for example, who was once an enthusiastic consumer and treasured the things he had acquired may discover that he now wants to replace none of the property which was taken - that in fact he wants to give away some of this remaining possessions, as a kind of "pessimism insurance" against the possibility that he will be a burglary victim again.
 - d. When values are subject to such radical shifts of this nature, there is a danger that the new value system may lock him into a continuously-distressed life, and even when the new outlook on life is "healthy", he may still feel a sense of grieving for his old value system. Such a sense of loss should be distinguished from the feelings of loss for the actual items of property.
 - e. The emotional responses to the crime or to other concerns should also be explored. It is helpful to identify feelings of fear, anger, guilt, and the like, and to try to focus on what triggers those feelings.
- 4) Help the victim integrate his emotions and shifts in values
- a. The victim needs to come to terms with shifts in values and emotions and to make sense out of them. For those which may be dysfunctional, the counsellor may help put them into perspective.
 - b. The burglary victim, for example, may confront his anger at having invested so much of this sense of identity in his belongings, and eventually be persuaded to approach the need to replace some necessities gradually. He may begin to understand that owning property was not the cause of his getting burglarized. On the other hand, he may redirect his spending patterns to support hobbies, travel, or other activities.
 - c. Several counselling techniques can be useful in this phase. For example, the loss of values can be dealt with through grief counselling. Values should be recognized as a major part of a personality. The counsellor may legitimize the sorrow which results from the loss, a sorrow that is often accompanied by fear of further loss, causing the victim to feel that he has to start life all over again. The counsellor can help him identify those things in his life and personality which have remained constant and provide him a basis for restructuring his life where the loss has occurred.

- d. Redirection of emotions that appear overwhelming can help to defuse destructive tendencies. Anger at an assailant is surely appropriate, but compulsive rage may interfere with the ability of the victim to recover. Rage may be ventilated and its components identified so that the victim realized that the anger is not one-dimensional. If it is directed not only at the assailant, but also the justice system, family members, or even at the victim himself, the victim may be able to constructively work out some aspects of the anger.
 - e. Similarly, anxious and upsetting emotions may be treated by affording the victim emotional alternatives. Many counsellors help victims construct a hierarchy of emotions which provides insight into what emotions are most problematic. If the victim is fearful, for example, he might be asked to mentally construct a series of pictures which make him feel afraid. The counsellor then might teach the victim some relaxation techniques and help him employ those in relationship to his anxieties. This approach can be useful to victims when future events trigger old fears. It provides them with a method to bring things back under emotional control.
 - f. Cognitive restructuring techniques are often used to stop victims from becoming self-destructive. Such techniques take in several procedures which, in shorthand terms, involve identifying self-destructive thoughts (ie. guilt, anger at self, and shame), developing alternative perspectives, learning thought substitution, and reinforcing such substitution with positive action. Role playing stressful events and mental behavior rehearsal is helpful in this process as well.
- 5) Help the victim take control of his life
- a. After the victim has thought about and learned some ways of dealing with his emotions and concerns, he can be asked to reassert himself in designing his life.
 - b. Here, the victim can articulate his life goals, often ones he had pursued before without thinking about them, but possibly now altered in light of his victimization experience, and then, with the counsellor's help, think through some short-range plans and activities for accomplishing them. Many victims will in time drop this somewhat self-conscious way of controlling one's life as they make progress in accomplishing what they want to do.

- 6) Terminate short-term counselling with positive goals but leave the door open for return
 - a. Many counsellors, at an appropriate stage in their counselling sessions, work out a "service contract" with the victim. That contract spells out the short-term goals which are being set and provides a definite time for accomplishing each.
 - b. After the short-term counselling sessions are completed, with progress made on some immediate objectives, the victim is asked to check in with the counsellor in three, four, or six months to let him know how things are going on some of his longer-term objectives.
 - c. This method of terminating short-term counselling can be very useful. It not only provides the victim with a positive approach to restructuring his life but allows the counsellor a chance to be of help should the victim develop new problems or regress into a state of chronic stress.

H. Responses and Actions for Counselling Victims

Emotion/Issue	Response	Action
a. Fear	- of being victimized again and/or rejected by those close to him/her or by institutional personnel - of possibly being injured or killed (specific phobias can develop)	- offer support, medical attention if needed, and/or safety options - listen to victim's fears - help them anticipate dangers and plan for safety
b. Denial	- of the seriousness or existence of the problem - of own victimization. The victim may put the problem outside of himself/herself (ie. this is not real).	- continue to encourage communication being careful to respect the victim's opinions and feelings
c. Overwhelment	- by lack or total inadequacy or options and resources - by feelings of terror, rage, and/or helplessness - by urgency of need to drastically change their life	- help him/her mobilize support network - help him/her prioritize, focusing on safety as primary concerns - point out their personal strengths - allow them to repeat details of the experience to gain mastery
d. Helplessness	- of being beaten down by having ventured forth before and nothing worked - of constant confrontation with institutional indifference or hostility. Support systems will not come through and they feel unable to mobilize themselves anymore.	- do not establish goals for your client based upon your value system - help them see that there are alternatives to understand the significance of even the small step of talking - help them feel control over their life as this is crucial

- e. Anger
- anger may be at you, institutions, offender, family or everyone
 - anger or rage can be evident immediately, delayed, or expressed non-verbally
 - do not be afraid of the expression. Recognize it but be aware that it may be difficult and extremely frightening
 - do not try to take these feelings away from the victim even when they make you uncomfortable
- f. Guilt
- for having become a victim (ie. I must have done something wrong)
 - over leaving/hurting/letting down others
 - obsessive feelings (ie. "why me?" "what did I do wrong?" and/or "if I got hurt, I must be guilty")
 - do not negate guilt
 - acknowledge it and do not take it away immediately
 - guilt helps them regain a sense that they can personally control something
- g. Trust
- client may not trust you because you are seen as part of the system, and they have previous bad experiences
 - battered women, in particular, have been socially isolated and therefore have a limited support system
 - do not push
 - acknowledge differences between you
 - encourage them to express disappointment when trust is/was betrayed
- h. Depression
- feelings of worthlessness (ie. "I have tried but nothing changes" and "I have ruined other's lives") This may be reinforced by others.
 - allow them to share their pain with you
 - acknowledge feelings
 - allow them to regain control over their life
 - build on their strengths
- i. Ambivalence
- may question what decisions to make
 - changes may have to be made and the victim may feel ambivalent about those changes
 - acknowledge ambivalence and allow victim to express ambivalence
 - do not push victim to change
 - they must make their own choices and resolve conflictual feelings

I. Volunteer Attitudes Role Play

The following information was taken from the St. Louis, Missouri Training Manual. It provides a good example of possible ineffective responses of friends to a victim and an example of a good response of a victim service worker. At times friends can be judgemental, opinionated and not able to listen to problems of their friends, therefore an unknown, trained person, such as a victim service worker, can be more beneficial in aiding the victim in dealing with the problems, concerns, and feelings that result from victimization.

Victim: Jan

You are a 19 year old girl in university. You have gone out to dinner in the city with a girl friend and were robbed and assaulted. You are very upset and want to talk to your friends about it the next day. Here is what happened. Repeat it in your own words as if it happened to you as you talk to your friends. Your friends will respond to you as you relate what happened.

I was getting out of the car with my friend Pat. We were walking to the restaurant and suddenly two men jumped out in front of them. One had a gun. They asked for our purses. Pat gave hers to them. I said no. I don't know why. I just refused. He tried to grab it and I pushed him and yelled. One ran away. The other hit me and pushed me down. The gun went off. He ran away, too. They jumped a fence. I was screaming and shaking. Pat helped me up. Someone went inside and called the police. Suddenly they were there. One stayed with Pat and me. Others went looking for the men. They said we had to go downtown with them. It was Pat's birthday. We were going to celebrate. It was all messed up. I was shaking and hysterical. I still shake thinking about it. What if the gun had hit me? Why did I resist? I never thought I would before, and there I did it. My mother came. She went down to the station with me. She kept asking, "Why didn't I give him my purse?" "Why wasn't I sensible like Pat?" She was hysterical. The policeman was nice. He said it would be okay. They caught the guys. They had a line-up. I was sure of one of them, not positive about the other. Pat wants to prosecute. The police want us to prosecute. I don't know, though. I just want to forget about it. I don't want to think about it or be reminded. What do you think? Should I prosecute? Will it make them mad? Will they try and bother me again? I'm so upset, I don't know what to do. I kept dreaming about it last night. I don't know if I'll ever stop shaking. I still have bruises. What if he'd killed me?

People who hear about a victim are often frightened. It reminds them of their own vulnerability. They hide behind many postures. Here are a few. Each in the group pick one to play out in response to the victim. See how it sounds, how it feels.

Ineffective Responses of Friends #1

Rescuer: Your fear makes you want to resolve the situation quickly. You aren't a good listener. You have many questions and suggestions. You speak sweetly. You want the victim to listen and do as you suggest and to be grateful for your help. You encourage dependency.

Rescuer Sample Responses to Victim:

What happened? When? Where?

You're so upset; shouldn't you see a psychiatrist?

Have you seen your doctor? Will you be all right?

I'm trying to help. Let me help you.

You need to stop dwelling on what happened. Think about something else.

Maybe your whole family needs counseling.

You aren't listening to me.

You are right not to prosecute. Why upset yourself? Try to get over this quickly.

It's so hard to see you so upset. What can I do to make you feel better?

If only you'd listen to me, I'm sure we can solve your problems.

Ineffective Responses of Friends #2

Hostile Helper: Your fear makes you angry at the incident. You want it to have been avoided. You tend to blame the victim for what happened. You speak gruffly and judgmentally. You try to distance yourself from the situation instead of listening.

Hostile Helper Sample Responses:

Look at you. What happened to you?

What were you doing in that neighbourhood? Don't you know that bad people hang out there?

Your mother was right. You shouldn't have fought back. You should have known better.

You won't go there again, will you? You could have been killed!

This would never happen to me. I wouldn't get into such a situation.

How old were the men who robbed you? It's terrible -- they should be working.

What can you expect from that kind of person?

I expect more of you. Why did you get in such a mess? Can't you take care of yourself?

Of course you should prosecute -- are you going to let those men go free?

It's your own fault.

Ineffective Responses of Friends #3

Helpless Helper: Your fear overwhelms you and you feel that there is just no use in trying in this terrible world. You feel as bad as, or worse than, the victim. You don't listen but are feeling bad about yourself and how bad the world is.

Helpless Helper Sample Responses:

What happened? Oh, that sounds horrible.

My God, what did you do then? I couldn't have stood it; I would've collapsed right there.

What are going to do?

It's no use.

Prosecute? What's the use? The judge will just let him off. It takes forever.

I wish you weren't so upset.

I'm beginning to feel sick.

Isn't it terrible, what the world is coming to? What are we going to do?

It is safer to go home after school. It's dangerous to go out just to have fun.

This is too much for me to handle.

Effective ResponseThe Trained Victim Services Volunteer:

You are aware of your fears and you acknowledge them, talk about them in supervision, and are able to face your vulnerability as a human being. You are able to listen and to hold your judgments to yourself, knowing that empathy and understanding are helpful to someone in distress. You are patient, able to wait, and have a sense of timing about what is helpful.

Volunteer Responses to the Victim:

What happened? You really had a tough time.

I can hear how upset you are -- lots of people feel that way after they've been a victim. It's normal to feel that way.

It would be hard to sleep after an experience like that.

What else happened? or Tell me more.

It's frightening to think you might have been hurt worse or killed.

It takes time to get over such difficult feelings.

You really handled the situation well -- getting the police, identifying the man.

Is your mother calming down? It must be hard for you to be upset and then for her to be so upset, too.

It's hard when your family doesn't seem to understand how you feel.

You're having trouble deciding about whether to prosecute? What are your thoughts?

You seem worried that you fought back when you were attacked. It's true that it did put you in a dangerous situation, but I wonder if it also feels good to you that you didn't just "take it".

It's getting late and I have to leave soon. Do you want to let me know how you feel tomorrow? Would you like me to call you?

10. Crisis Intervention Skills

The following is taken from the Lincoln, Nebraska Victim/Witness Unit Training Manual.

1) The Crisis Situation

- a. When people have been robbed, hurt, or their possessions have been taken, it creates a variety of uncomfortable feelings. These feelings may range from mild to severe:
 - i) anxiety, fear, and terror
 - ii) shame, helplessness, and overwhelmment
 - iii) annoyance, anger, and rage
 - iv) unhappiness, sadness, and grief
 - v) ambivalence, confusion, and disorientation
 - vi) control and adjustment
 - vii) guilt (overcompensation for it)
- b. These feelings make people feel more vulnerable and dependent. They may feel that they can't cope or don't know what to do. These emotions lower a person's confidence and self-esteem.

2) Crisis Intervention

- a. The purpose of crisis intervention is to help people return to their normal level of functioning as quickly as possible.
- b. Ways to do this include the following:
 - i) What happened? How did it affect you?

Victims may need to vent their feelings by telling and retelling details of what happened and their feelings about it.
 - ii) What needs to be done?

The volunteer may then help the victim define the problems left in the wake of the crime.
 - iii) How can things be done? By whom?

Once specific problems are identified, they may be sorted out and each one tackled appropriately. Emphasis should be on victim decisions and self-help.

iv) Back to normal

The follow-up should indicate that the victim is back to his/her usual level of functioning.

- c. The victim may not feel comfortable talking to you on the first call. That's one reason why follow-up calls are desirable unless the victim states that he/she wants no further contact.

3) Characteristics of Natural Volunteers - Be a Friend

- a. Interest and concern for others
- b. Empathy for others - to feel what another person feels to experience his/her emotions
- c. Openmindedness - not to be shocked or horrified or upset by people's feelings and values
- d. Good listeners - to be able to focus fully and intently on another
- e. Multi-solution approach - to see the variety of ways in which people can live and solve problems without making judgements or believing in one right way
- f. Not self-seeking - to not need other people to make themselves feel good.

4) Listening Skills

- a. No self concern. Attention is truly focused on the client. Don't think of what you will say next but what the client is saying now.
- b. Use the "third ear". This means listening in an active way and requires much practice.
- c. Listen for feeling words and unexpressed feelings.
- d. Ask for more information. Do not assume you know without specifics. Use phrases and questions such as "go on," "yes," "uh-huh," "could you give an example?" "could you tell me more?" and "exactly what happened?"
- e. Paraphrasing provides clarification and feedback to the victim:
 - i) "I hear you saying that . . ."
 - ii) "It sounds as if you are feeling . . ."

- f. Listen to speech patterns and how they fit with what is being said. Listen to your own speech patterns too.

- i) tone - flat, emotional
- ii) level - soft, loud
- iii) speed - fast, slow
- iv) emotion

5) Responding

- a. Supporting the person. This means that regardless of his/her actions or feelings, the human being is worthwhile and acceptable.
- b. Paraphrasing plus. This is adding you own ideas on to what has been said, to encourage expansion.
- c. Clarifying. This means asking for more information or offering it yourself (ie. it sounds to me as if you are also very angry).
- d. Labeling. This means helping people to identify what they are feeling. Even though they are saying it, they may not know.(ie. "it sounds as if you are having two different feelings and that is confusing you").
- e. Making connections. You notice and identify repetitive incidents, themes, or feelings.(ie. "you mentioned feeling sad before about your brother's death and now this").
- f. Pointing out apparent contradictions or omissions. This is not jumping on seeming errors but make the client aware of them (ie. "I'm confused. You said _____ before. How does that fit in with _____? Can we back up a minute? I don't understand _____.
- g. Helping to find solutions:
 - i) identify major and minor problems which require action
 - ii) ask client how they might be handled
 - iii) offer suggestions and alternatives.

- h. Use of tentative statements (ie. "I wonder," "maybe," and "is it possible?" are tactful ways of introducing potentially touchy issues. They allow the person to maintain his/her position if they need to without disagreeing directly. It is not your knowledge but the person's ability to hear, understand, change, or act which matters.

6) The First Contact

a. Introduction

1. Prepare your own introduction.
2. Practice it until it comes naturally. Don't be too professional. Be a friend.
3. Don't say more than is necessary.
4. Proceed slowly.
5. Your goal is to gain the victim's trust quickly. A good way to do this is to provide a small service that requires you to call the victim back.

b. Body of Contact

1. Start where the victim is.
2. Ask general questions at first.
3. Get the victim talking as much as possible.
4. Get as much factual information as the person can comfortably give.
5. Don't rush or be intrusive. Let him/her set the pace.
6. Jot down brief notes and put into "narrative" later.
7. Gradually organize the situation into a list of specific details.
8. Discuss possible actions and what needs doing. Suggest tentative solutions so they can be rejected without developing a confrontation between the volunteer and victim.

c. Conclusion

1. Establish a plan of action.
2. Summarize the plans made.

7) Further Contacts

- a. Check back on specific details, results, etc.
- b. Summarize.
- c. Do further exploration with very upset or confused clients in the office or in the home.
- d. Assess referral to other agencies for longer term help.

8) Special Problems

- a. Getting overly involved.
- b. Clients you like too much.
- c. Clients you don't like. Most frequently, these are clients whose lives are always chaotic and who don't take steps to improve the chaos or those who have a very different life style.
- d. Setting limits.
- e. Confidentiality.

9) Difficult Clients

- a. Overly proud and independent - need tact and a light touch. (ie. "I know how well you can manage, but perhaps I could just _____.")
- b. Overly dependent/clingy - need limits and some demands that the client act for himself/herself (ie. "I am sure you can do _____ even though it's hard for you.")
- c. Suspicious/paranoid - need you to move very slowly and maintain distance (ie. "I hope you will let me know when you feel ready for me to do _____").
- d. Extremely emotional - need to calm, de-emphasize dramatics and feelings and be more factual (ie. "Yes I understand how you feel but _____").

- e. Depressed - need to activate, mobilize, and label feelings, especially anger (ie. "It would help if you did _____" and "You feel very bad I know, but I wonder _____").
- f. Exaggerators - crow cases (unfounded information).

10) Victim Needs During a Crisis

Victims have four needs during a crisis situation. They are:

- a. Ventilation
- b. Calm reassuring authority
- c. Restoration of control
- d. Preparation and prediction

11) Police as Crisis Intervenor

Police have four characteristics enabling them to be crisis intervenors. They are:

- a. Immediacy
- b. Availability
- c. Authority
- d. Objectivity

12) Crisis Intervention (On The Telephone and In Person)

The following information has been obtained from Mr. Dan Stone, Community Trainer, Vancouver Crisis and Suicide Prevention.

There are four stages of contact in any crisis call.

1) Acceptance (of worker)

- A. Reflection (to give back an image to another)
- B. Affect and Contents of Speech
- C. Demonstrate How Client Feels (ie. "I sense that you feel . . .")

Purpose: To establish trust and safety on the part of the victim and permission for the expression of thoughts and feelings.

Make a comment that you are concerned with how the victim is feeling. If you do not deal with "feelings" in the first few seconds of the conversation, you probably will not be able to know the "content" of the person's problems. You can make the victim's problems worse by making them feel that they cannot verbalize their problems.

Make sure your voice is calm and your message is delivered quickly and easily - not forced or nervous.

Skills necessary:

- 1. Listening
- 2. Support/Reassurance/Encouragement
- 3. Reflecting/Clarifying/Summarizing
- 4. Probing/Questioning
- 5. Modelling/Openness
- 6. Self Disclosure
- 7. Confronting
- 8. Paraphrasing
- 9. Alternate Frame of Reference (get victim's first)
- 10. Interpreting
- 11. Linking (events years ago to today)
- 12. Expressing the Implied
- 13. Less to More (go from smaller scale to larger scale)
- 14. Drawing Conclusions From Premises
- 15. Reassurance (let them know that they are not alone)

Do not be a rescuer. Have the victim be at least 50% responsible for the work that goes on in each session.

2) Conflict Identification

- A. Paraphrasing
- B. Open Ended Questions (ie. who, what, where, when, and how do you feel about what happened, not why)
- C. Probe Responses

Purpose: To identify areas of conflict and to separate immediately from long term concerns.

3) Alternatives

- A. Explore Consequences
- B. Make Client Feel Connected to Each Consequence

Purpose: Allows victim to explain and to explore the situation and find out what can be done.

4) Termination

- A. Does Victim Have Realistic View of What Can Be Done?
- B. Victim Must Know What Actions He/She Must Initiate.
- C. Victim must be emotionally coherent enough to initiate the planned and discussed actions.

Purpose: Summary and clarification of points of action planned.

The basic goal in any crisis call (in person or on the telephone) is to allow the victim or witness to vent some of the emotions around the incident. Listening and attending skills will give the victim enough freedom to use the time as emotional aid. They know exactly how to use the time if given that freedom. Crime prevention information, referrals, and other possible avenues of aid are all valuable, but should be secondary to the basic purpose - being there as an attentive, caring individual who has an interest in the person in need.

11. Mediation Skills

A. Definition

Mediation is a third party dispute settlement related integrally to the negotiation process, whereby the parties utilize a skilled neutral to assist them in reaching a viable agreement, mainly through non-compulsory application of various forms (New Jersey Community Dispute Resolution Project).

B. Function

A mediator serves four functions in a conflict:

1) Instills Motivation, by:

- a. providing hope that conflict can be resolved
- b. encouraging that talking about the problem will help resolve the problem and not make it worse
- c. encouraging direct communication between disputants
- d. encouraging the settling and meeting of mediation goals of conflict resolution.

2) Regulates the Interaction, by:

- a. establishing ground rules of communication between all parties
- b. maintaining an orderly meeting.

3) Aids the Communication, by:

- a. helping to express ideas
- b. paraphrasing to help clarity
- c. emphasizing to help promote continued communication
- d. interpreting body language and use it to help promote a comfortable atmosphere.

4) Monitors the Process, by:

- a. analyzing what has happened so far to help shape future communications
- b. analyzing the amount of control over disputants communications and decide what lever is desired

- c. analyzing and deciding what concerns are really at issue and what is largely for the sake of argument or bluff.

C. Negotiation

1) Definition

- a. Negotiation is a means of helping parties resolve conflicts.

- b. It is not a:

- debate
- trial
- speech contest
- judgement

12. Handling A Victim's Safety and Emotional Concerns

A. Handling Threats and Harrassment

1. Tell the victim what we know about retaliation

- a. Actual retailiation resulting in physical harm to a victim or the victim's family members is rare, particularly if the offender is a stranger. If there has been a pattern of physical assaults within a family or by a neighbour, that pattern may continue. In these cases, the victim may need to consider whether to remain in close proximity to the source of the threat.
- b. It is very common for criminals to threaten a victim during the actual incident (ie. "I'll get you if you report this"). It is a way for them to exercise control during the crime. In almost all stranger to stranger crimes, these threats are empty.
- c. Many instances in which the offender (his friends or family) contacts the victim, are in the nature of cajoling or pleading rather than actual threats. The offender often appears contrite and promises that he won't bother the victim anymore. This may or may not be true.
- d. If a suspect has been arrested an a warrant has been issued, he will need a lawyer. One of the first things his lawyer shoudl advise is that he should avoid contact with the victim or any of the witnesses.
- e. Once the offender becomes involved in the court proceedings, his anger is often deflected elsewhere to his attorney, the judge, or the system. By the time of the conviction and/or sentencing, the victim is often forgotten.

2. Supporting the Victim who is Afraid of Retaliation

- a. A person who has been victimized will be more fearful than usual because his recent bad experience has made him aware of his vulnerability as a human being. He may become edgy in all aspects of his life and scare more easily. Fear of retaliation by the offender is common.
- b. As with other fears now in the victim's life, this may be exaggerated and out of proportion. Our experience shows that retaliation is unlikely, however, this does not mean that those fears and feelings are irrational.
- c. Others, with all good intention of calming the victim, may react to fears by somehow discounting "Oh, don't be silly." Treating fears lightly, as if they are not worth taking seriously may make the victim stop talking about them but does not make them go away. The victim may even joke, but the fear is probably there to some degree if the victim mentions it in any way and he may be looking for someone to respond to that.
- d. We will need to listen carefully to what the victim is saying, because he may or may not ask directly for help in dealing with those fears. If given the opportunity and support he will be able to distinguish for himself whether or not the fears are realistic.
- e. The volunteer who encourages the victim to talk about those fears, listen, empathizes, and then helps the victim to separate realistic from unrealistic fears may provide a valuable service by helping that person to restore his sense of control.
- f. We can be helpful in allaying fears by explaining to the victim what often happens to others in their situation. Explain that it is not unusual to become more nervous and anxious after a crime. Being afraid after something bad happens is a way in which we try to protect ourselves from additional accidents or traumas.

- g. Encourage the victim to assess how much of his/her fear is realistic and how much is an overly emotional reaction to being hurt.
- h. It is helpful to be aware of extreme fears, but not to act on them as though they are realistic fears. Unrealistic fears need to be understood as a natural reaction to a bad experience (ie. you are feeling afraid, and you are right, you have reason to, something very frightening happened to you). Unrealistic fears are not helpful to the victim's recovery and return to normalcy. The victim may put a lot of energy into protecting himself from the wrong thing until he has distinguished the difference.

B. Safety Guidelines

A) General

- a. We cannot guarantee that there will be no retaliation.
- b. Threats should always be taken seriously.
- c. Victims should always be advised on guidelines for protection. There is usually one good precaution which they haven't thought of and this helps to restore their sense of control over the situation.
- d. It is not uncommon for the offender's family or friends to harass the victim. The victim should avoid contact with them as much as possible.

B) At Home

- a. Victims should post the telephone number of the police department on their home telephone.
- b. If a victim is at home alone and receives a threatening telephone call, he/she should allude to someone else in the house (ie. "Just a minute, Joe" or "Hey, Sue, turn off the oven").
- c. For those who feel insecure in the home, go over home security guidelines and/or suggest that home security inspections are available by some municipal police departments.
- d. Neighbours are an often overlooked resource. Suggest that victims contact nearby neighbours to ask for their assistance.
- e. Advise the police to give additional protection - drive by the house periodically. The police should be given a description of the offender and the offender's car, if known.
- f. If the family sees anyone suspicious, they should get his car license number and a good description. If a camera is available, take a picture and call the police.

C) Away From the Home

- a. A person who is threatened should not leave a house alone. He/she should always be accompanied by family or friends.
- b. If a person is threatened who attends school, the school authorities should be advised.
- c. A victim should buy a shrill alarm to carry with him/her. Carry it in your hand, and when afraid, use it!
- d. Plan a route and stay alert.
- e. When visiting a friend or relative, victims should tell them what time they expect to arrive and how they will be traveling.
- f. Avoid dark places, short cuts, alleys, thick trees, shrubs, sparsely traveled areas, and parks. Stay away from buildings and walk next to the street.
- g. Walk on the side of the street nearest to oncoming traffic.
- h. Watch for loiterers.
- i. Avoid using public facilities (ie. restrooms).
- j. Have your key ready when walking to the front door.
- k. If accosted by anyone in a car, run in a direction opposite to the way the car is headed.
- l. If you are suspicious of being followed, go into the nearest store and call the police or walk out into the street where you can be seen and blow a whistle or use a shrill.

D) Driving

- a. When driving, the victim's family should try to leave ample space between their car and the car in front (so they can swerve in case there is an attempt to sandwich them between two cars).
- b. Keep your car locked. Always have your keys in your hand when walking to a parked car. Check the back seat before entering as well.

E) Parking

- a. Park in a well lit area.
- b. Avoid parking in an enclosed parking area such as an underground garage.
- c. Women should leave an article of men's clothing (ie. a man's hat) in the car so that anyone looking into the car will assume a man will be returning to the car.

13. Assessing the Need for Referrals to Other Agencies

A. Previous Emotional/Mental Problems

- a. In some instances you may strongly suspect that a person may have an (a) emotional/mental problem. The following questions can be asked to assess whether a person has such problems:

1. What is your age?
2. What year were you born?
3. What day is it today?
4. What year is it?
5. Where are we?
6. Where is this place located?
7. What is my name?
8. Who is the current Prime Minister of Canada?
9. Who is the former Prime Minister?
10. What do you do all day?

More than 3 incorrect answers indicate a suspicion of senility, mental/emotional impairment, 5 - 8 incorrect answers, moderate impairment, 9 - 10 incorrect answers, severe mental disorientation. If a person doesn't know the date and/or day of the week, tell them to remember it and ask it later on in the conversation (testing short term memory span).

- b. If your suspicions are confirmed, these people should be referred.

B. Need for Professional Advice/Therapy

The following are some guidelines that will help you to assess whether a person may need professional advice and/or therapy:

1. When a person talks about committing suicide - It's better to be safe than sorry.
2. A depressed person start making preparations as if to leave the world (ie. giving away a beloved dog).

3. You notice regular confusion about time and place.
 4. Depression or anxiety prevents a person from carrying on everyday living for more than a month.
 5. When a rape has occurred, particularly when it involves a child.
 6. You suspect the person may be dangerous and not just very angry.
- C. Identifying and Aiding Victims With Post-Traumatic Stress Disorder
- a. Most crime victims exhibit the symptoms of post-traumatic stress after a victimization.
 - b. Brought on by a traumatic event (ie. victimization) the event may vary in both duration and severity.
 - c. In some cases, the symptoms of the disorder do not emerge immediately after the trauma but as late as a year or more later.
 - d. Factors that seem to influence a victim's susceptibility to this disorder are:
 - i) victim's age - very young and very old appear to have more difficulty in coping with traumatic events
 - ii) pre-existing emotional stability - those with a history of drug or alcohol dependency, anxiety or depression, or who have been loners or who have been excessively dependent, seem to be particularly susceptible to severe stress reaction
 - iii) availability of social supports to victim - those who are single, divorced, widowed, economically handicapped or socially deprived appear to be more likely to experience post-traumatic stress.
- D. Features of the Post-Traumatic Stress Syndrome
- a. The essential feature of Post-Traumatic Stress Syndrome, according to the Diagnostic and Statistical Manual III, is:

"the development of characteristic symptoms after the experience of a psychologically traumatic event or events outside the range of human experience usually considered to be normal."

b. DSM III lists the following criteria for post-traumatic stress disorder:

- 1) The syndrome appears after the occurrence of a stressor that would be expected to produce significant symptoms of distress in nearly all people.
- 2) An individual re-experiences the traumatic event by
 - recurrent and intrusive recollections of the event
 - recurrent dreams of the event
 - suddenly acting or feeling as if the traumatic event were occurring again in response to some triggering stimulus
- 3) Numbing of responsiveness to or involvement with the external world, beginning some time after the traumatic event, as shown by:
 - markedly reduced interest in one or more significant activities
 - feelings of detachment or estrangement from others
 - reduction in emotional responsiveness
- 4) At least two of the following must not be present prior to the traumatic event:
 - hyperalertness of exaggerated startle response
 - chronic sleep disturbance
 - guilt about survival or about behavior which was used to achieve survival
 - memory trouble or difficulty in concentrating
 - avoidance of situations that cause memories of the traumatic event
 - intensification of symptoms when confronting situations which symbolize or resemble the traumatic event

c. Behavioral Features

- a. depression
- b. restlessness
- c. nervousness
- d. tremors
- e. irritability
- f. explosive outbursts
- g. non-violent impulsive behavior
- h. headaches
- i. vertigo
- j. alcohol and drug abuse

d. Chronic and Acute Post-Traumatic Stress Syndrome

Acute

Duration of symptoms for less than six months or onset of symptoms within six months of the traumatic event.

Chronic

Duration of symptoms for at least six months after the traumatic event.

e. Aiding Victims With Post-Traumatic Stress Disorder

1. In most cases the symptoms last for no more than six months and can be dealt with by the victim himself/herself or by short term counselling.
2. If the symptoms persist for longer than six months the person should be referred for more extensive psychological or psychiatric care.

E. Identifying Victims With Medical/Emotional/Mental Problems

- a. Medical problem include any condition that is not usual for them.
- b. Mental and emotional problems include any change in the basic functions of life:
 - 1) eating
 - 2) sleeping
 - 3) sexual interests
 - 4) job or school functioning
- c. If any changes occur in any of these four areas, for longer than three to four weeks, with no good explanation, the possibility of an emotional disorder exists, and a referral should be made.

14. Public Speaking

A. General

1. Be prepared, know the material.
2. Use notes, prepare like a lesson plan, and note any changes in visuals beside the appropriate subject in order to maintain the flow.
3. Dress for the level of the audience.
4. Prior to speaking, empty your pockets.
5. Don't put your hands in your pockets.
6. Once you are familiar with the lecture, don't stand glued to your notes, walk around.
7. Leave cues in other parts of the room if necessary (ie. written in pencil on a corner of a blackboard).
8. Change your voice pitch, raise and lower voice for appropriate emphasis.
9. Don't sit on anything and swing feet.
10. Use visual but don't depend on them (ie. when you are using an overhead projector, elaborate on the points).
11. Look around the room as you speak, making eye contact with your audience, but don't stare at anyone too long.

B. Court Testimony

1. The prosecution's witnesses are called first, before defence's.
2. The witness will be sworn in and asked to give his name, address, etc.
3. The judge will give the witness the opportunity to sit or stand.
4. Crown counsel will ask questions, but witnesses should direct their answers to the judge/jury.
5. The defence lawyer will then cross examine you. He may "attack" you with his questions. Leave emotions out of your answers.
6. Keep answers simple, clear, and concise.
7. Be truthful. If you don't know an answer, say you don't know.
8. Do not mention opinions or character references unless specifically asked to do so.
9. It may be helpful to know the essential elements of the law that was broken. Look it up in the Criminal Code.

15. Media Relations

When speaking to the media*:

1. Ensure, when contacted, that you know who the reporter is and the news agency he/she represents.
2. If the request is for an interview, ask for the subject and points to be covered.
3. Arrange for copies of relevant information for the journalist.
4. Try not to conduct interviews over the telephone. Meet face to face, if possible.
5. Be relaxed, courteous, and frank.
6. Be factual and honest.
7. Use common sense.
8. Avoid humorous and facetious responses.
9. Do not assume that a reporter is well informed or uninformed about a subject.
10. Ensure that you understand a question and your answer is equally understood.
11. Limit comments to your area of expertise, responsibility, and competence.
12. Answer questions directly and keep your answers brief and limited to the topic at hand.
13. Avoid simple yes or no answers.
14. Leave political questions to those individuals in office.
15. Don't say anything that you don't want quoted.
16. Don't let the media put words into your mouth.
17. Don't attempt to hide a story. A good reporter can obtain information from other sources, perhaps to your embarrassment.
18. Never tell anything in confidence. Assume that nothing is "off the record".
19. Never say "no comment". State that you are in no position to comment.

*The following information has been obtained from the National Organization of Victim Assistance.

20. Admit that you are not fully cognizant or that you lack specific data. This is quite acceptable to the media.
21. Attempt to obtain required information and pass it on as quickly as possible.
22. Return calls from reporters as soon as possible.
23. Don't ask to see an article prior to publication. It is the product of the journalist and the property of the media outlet.
24. Don't boycott a reporter or his/her agency for one inaccurate or unfavorable story.
25. Sincerely deal with a reporter's concerns as his reportage will then be fair.

Other tips to remember include:

1. News media also have their special problems and challenges.
2. A journalist owes as much to his/her organization as we do to ours.
3. The media are in the business of reporting what they judge to be news.
4. News must be relevant and have an impact. News must be fresh, interesting, accurate, intelligible, accurate, complete, and objective.
5. Media deadlines are sacred. Pressures are continual on journalists.
6. Reporters' stories are frequently subject to re-writing.
7. Don't blame the individual if expectations are not met.
8. Reporters do not write their own headlines. Examine the substance of an article to ensure that the headline is not misleading.
9. Reporters, generally, are well-educated and mature: 65% have a university education, 25% college education; 50% are in their thirties and 35% are over forty.
10. Don't judge all media by one bad experience. Most people are honest and try to do a good job. There are, however, the exceptions as there are in any occupational group.
11. A journalist is not an enemy. If we both do our respective jobs to the best of our abilities, the public, the department and the government will be better served.

IV. Needs, Comments, and Suggestions for Specific Crime Victims

A. Personal Crime Victims

1) Sudden Death Survivors as Victims

1. Problem	Comment	Suggestion
a. Acceptance of death	The grief process is discussed in detail by Elsie Palmer.	Identify counselors with special expertise in grief counseling.
b. Funeral arrangements	The family is an easy prey for unscrupulous morticians.	Learn about burial costs in your community. Advise survivors of what is reasonable. Help with arrangements when requested. Check Resource Manual.
c. Financial problems when the breadwinner is killed	Families are often not prepared for the financial burden.	Familiarize yourself with Social Security Survivor's Benefits, life insurance, etc. Suggest Criminal Injury Compensation.
d. Delayed emotional reaction	The initial feeling is denial. Often the early days are filled with support by family and friends. Difficulty set in after 2 to 3 weeks.	Be sure to arrange for a follow-up call during this period. Help families identify other sources of emotional support.
e. Reactions of children	Children need to know as much truthful information as they can handle.	Help parents to identify signs of abnormal reactions and encourage parents to seek professional help if serious problems are present.
f. Need information on case	Families may want to know every detail to assure themselves that the victim was in no way to blame.	Arrange for the family to meet with the homicide detectives or prosecutor assigned to the case.

g. Media publicity	Family members may learn of information in the papers.	Ask to advise family to new details before release to the media.
h. Feel powerless in the criminal justice system	Family members have no official role in the proceedings, unless they serve as witnesses. They may also want to gather evidence on their own	While victims may need to take action to feel in control again, they must at some point, let go and build a new life.
i. Ordeal during the trial	The trial reactivates the grief process a year or more after the incident. Family members may insist upon attending the trial. The prosecutor will welcome it as it affects the jury.	Accompany the victim to court. Have the prosecutor acknowledge the families presence and discuss the case with them.
j. Loneliness	Loneliness is often unanticipated. It can be crushing.	Refer the victim to the appropriate support group. Encourage them to participate in new activities.
k. Can't stop ruminating	Survivors often cannot stop thinking about the deceased or about the actual homicide.	Let the family know that it will get better with time.
l. Want revenge	Families often want the murderer to die. They find it difficult to accept plea bargaining and the finding of insanity.	Make the family's concern's known. Explain that the criminal justice system separates the offender's fate from their own recovery.

2. Suicide

- a. Suicide is the second largest death toll among individuals between the ages of 15 and 25 in the United States.
- b. More girls attempt suicide; however, more boys are successful in committing suicide.
- c. Isolated people more often succeed in committing suicide.
- d. Most suicides occur in the spring.
- e. Adolescents usually commit suicide from 3:00 P.M. to 12:00 P.M. Adults, on the other hand, commit suicide from 12:00 P.M. to 5:00 to 6:00 A.M.
- f. The peak age for depression, which is associated with suicide, is 14 to 19.
- g. The symptoms for depression in adolescents are:
 - boredom
 - restlessness
 - school work not being done
 - funny behaviors
 - many motor vehicle accidents (because they don't care anymore)
 - paranoia (hearing and seeing things)
- h. The symptoms for depression in adults are:
 - sleep disturbance
 - appetite disturbance
 - sick
 - loss of interest in sex

3. Bereavement Counseling Guidelines for Death Notification Procedures

The following guidelines are taken from the Victim Service System: A Guide to Action by the National Organization for Victim Assistance.

- 1) Obtain as much information on the death as possible (ie. when did it happen, what happened, where did it happen, how did it happen, how did it happen, and what is the source of positive identification). The last piece of information is critical. You do not want to make a mistake in the identification of the identification of the deceased.
- 2) Try to find out some basic information about the service. Medical information is important. If the survivor has a history of heart disease, diabetes, hypertension, etc., the messenger should be aware of the possibility of severe physical reactions.
- 3) Never make a death notification by telephone. Friends and family members follow the same advice. If you are forced to telephone someone to tell them about a death, telephone a friend or neighbour in the area first, and ask that they visit the survivor and help you inform them about the death.
- 4) Do not take any personal items of the victim with you to the residence. Some people think this will help the survivor, but chances are it will add emotional fuel to the tragedy at this time. Later, however, the intervenor should offer to retrieve and return all property of the deceased.
- 5) Ask to speak to parent or an adult if a child answers the door. Make sure that the adult is the closest available relative of the deceased. If possible, try to discern whether this is the appropriate relative to talk to. If a husband and wife are involved, make sure both are in the room if they are both home.
- 6) Ask to enter the home (ie. "May we come in to talk to you?" Indicate there is a medical emergency and that you have important information but you would rather talk to them inside.
- 7) Seat the survivors and yourself.
- 8) Make sure that no dangerous object are near (ie. scissors, heavy objects, knives, etc.).
- 9) Tell the survivor simply and directly "I have some very bad news for you. Your son was shot in an armed robbery and he died immediately." Don't build up the idea of death. Don't

let anxiety grow. Don't use words like "passed away" or "expired." Such words may confuse the message. Leave no room for doubt or false hope.

- 10) Be watchful for a variety of responses by the victim. These may include: hysteria, anger, fainting, physical violence, etc. Assess the physical reactions and be ready to call the hospital if necessary.
- 11) Answer any questions tactfully but directly. Be prepared for a wide range of questions: Where is the body? Did he die instantly? If not, was he hurt before he died? How many robbers were there? Was anyone else hurt? Can I see him, etc.
- 12) Focus on immediate needs of the survivor. Do they want a glass of water, cup of coffee, cigarette, etc.? Can you help with the children or pets?
- 13) Help the survivor get in touch with close relatives, friends, or a member of the clergy if they would like. Do not assume that a member of the clergy, or for that matter, a particular relative, is welcome or would be helpful. Always check with the survivor about who he wants to be with before you call anyone. If he wants to notify a relative who was also close to the victim, arrange to call a friend of that relative to be with the relative when the survivor informs him of the death.
- 14) Stay until someone arrives to be with the survivor during the night.
- 15) Do not be judgmental about the survivor's reaction. For example, if a survivor wants to see the victim, even if mutilated, the request should be honored, if possible. Fantasies in many cases are worse than reality.
- 16) Help the survivors explore their options over the next few days, and provide a referral source which can help with the arrangements for the funeral, insurance claims, hospital payments, etc.
17. Messengers should be trained to respond empathetically. Let the survivors know you care and are concerned about their feelings. It is important to rely upon your assessment of their feelings and react as positively as possible. Physical touching may make some survivors feel better, others may not want to be touched by a stranger.

4. Bereavement - The Grief Process

The following information has been obtained from Elsie Palmer, L.I.F.E. Resource Centre, 101-395 West Broadway, Vancouver, B.C.

1) Shock and Numbness

Allows the grieving person to go through the first few days without feeling very much. This period may last for a few days, months, or even longer.

2) Realization of Loss

When the numbness starts to wear off, then comes the most painful period of the process. The overwhelming feelings of anguish, desolation, and despair are difficult to express in words.

- a. Feelings - anger, guilt, sadness, depression, loneliness, exhaustion, fear, anxiety, panic, resentment, and regret.
- b. Physical Signs - crying and sobbing, sleeplessness, loss of appetite, irritability, hostility, inability to concentrate, and absent-mindedness.
- c. Need to Rationalize - asking "why me," "why him," and "why us." Resentment is expressed. Anger is directed toward God, the minister, relatives, the funeral director, and/or the person who died.

3) Acceptance

Letting go of the person who died (allowing him/her to be dead, guilt, and regrets about the past. Accepting the fact that life is not fair. This is an important time for the bereaved to start looking at his/her life and thinking of new beginnings and opportunities to build a new life.

4) Re-Investment

Re-investment occurs in love, energy, other things, and other relationships. Sometimes this can be an entirely new interest, or the renewal of some interest that gave satisfaction as some early period in the person's life.

Note: The grief process is a healing process. It takes time. It is not a smooth process. The grieving person will probably take two steps forward, then one back. Grief can sometimes be re-triggered by some unexpected reminder of the past. This can be very discouraging, and a time for reminder, by friends or helpers that this does not mean that the bereaved is slipping back to the first phases of grief - but is suffering a temporary set back.

5. Bereavement Counselling Skills

- a. Allow griever to express feelings and to talk about their loss when and if they want to.
- b. Reassure the griever that what their feeling is part of normal grief (ie. fantasizing, day-dreaming, absentmindedness, etc.).
- c. When talking about the dead person, refer to them as "having died" rather than "passed away." It is important that reality sink in.
- d. Encourage expression of emotions, whether they be crying, angry and/or sad.
- e. Often times relaxing and/or sleeping is a problem. Encourage moderate exercise, writing thoughts, relaxation exercises, or reading something comforting.
- f. At times grief may cause people to lose their appetites and forget about meals, you should therefore encourage sufferers to pay attention to eating habits.
- g. To help give structure to living, encourage routine activities.
- h. If possible find out whether the person had periods of depression prior to their loss. If this is the case, recovery may take longer than normal.
- i. Once the griever begins to let go and accept their loss, encourage them to resume formerly enjoyed activities or become involved in something new. Go over the way the person sees their life going and options available.

6. Factors That Help Successful Grief Recovery

- a. Positive attitude towards life
- b. Feelings of worth and not having been totally dependent upon the dead person for self-esteem
- c. Having emotional and practical support from others, as well as being self-reliant and independent

7. Factors That Tend to Impede Grief Recovery

- a. Medical history of depression
- b. Life-long pessimistic attitude
- c. Health problems
- d. Lack of self-esteem
- e. Lack of support from others
- f. Fear of being alone - physically
- g. Dependence on dead person
- h. Reluctance to let go of the past
- i. No on-going interests
- j. Several major life changes during the past year or two
(such as death of another close person, divorce, or retirement)

-----see Elsie Palmer

8. Some Warnings for Yourself

- a. Don't judge
- b. Have you dealt with your feelings?
- c. Don't guess - let the person tell you how he/she is feeling
- d. Don't preach
- e. Don't take sides
- f. Don't give false hope

-----see Elizabeth Kubler-
Ross

2) Attempted Murder Victims

Problem	Comment	Suggestion
a. Relief at survival/ realization of mor- tality	The thought that "I'm going to die" often flashes through a vic- tim's mind.	Help the victim realize that he/she is lucky to be alive.
b. Physical injury	Victims may neglect medical care because of a: 1) denial of the pro- blem 2) lack of money for uninsured victims.	Encourage them to get medical attention and suggest Criminal Injury Compensation.
c. Tremendous anger/ bitterness	Victims may feel the attack was personal, directed at them as an individual.	Encourage victims to express anger (ie. physical exercise).
d. Fear of intimidation	The attacker may threaten the victim (ie. "I'll get you if you report this").	See How to Handle Victims' Concerns of Threats and Harrassment.
e. Time lost from work	Families often lose a source of income.	Suggest financial assis- tance through Criminal Injuries Compensation.

3) Assault Victims

Problem	Comment	Suggestion
a. Anger and/or bitterness	Victims may feel the attack was personal, directed at them as individuals.	Encourage the victim to express his anger (ie. physical exercise).
b. Realization of mortality	Even more so than with robbery victims, there is a belief at some point that they were going to die. If severely injured, however, they might not feel "I'm lucky to be alive."	Acknowledge fears. Gently guide them toward areas where they do have control.
c. Physical Injury	Victims may neglect medical care because of: 1. denial of the problem 2. lack of money	Encourage the victim to get the necessary medical attention. Refer the victim to Criminal Injuries Compensation.
d. Medical bills	Bills are often a large worry for uninsured or underinsured victims.	Refer the victim to Criminal Injuries Compensation.
e. Time lost from work	Families often lose a source of income.	Dig for resources. Be creative (ie. ask a community group to "adopt" the family so they can keep afloat financially.
f. Fear of reprisals	May be more likely than in robbery cases.	See Handling Victims' Concerns of Threats and Harassment.
g. If the assault is a result of a traffic accident, fear of driving or bewilderment	These are common. People use their cars as an outlet for anger. They take other frustrations out on anyone they see in their way.	Let victims know this is not as much of a problem as they suppose.
h. Shame at "losing" a fight, in cases of male victims	Such emotions can be very irrational. Males may feel they lost face with the women in their lives.	Assign a male counselor to help them form a realistic assessment of the incident. Professional counseling is necessary in extreme cases.

4) Sexual Assault Victims

1. Problem	Comment	Suggestion
a. Embarrassment	The police investigation and the medical exam can be an ordeal.	Explain to the victim that these are necessary procedures. Suggest that the investigator/examiner be the same sex as the victim. Tell the victim to act as natural as possible.
b. Difficulty in describing the incident		For your purposes, this difficulty does not matter as long as you know how the victim feels.
c. Concern about VD/pregnancy	Inform the victim that the actual incidence is rare. About 1% of rape victims get pregnant.	Be well informed about available options. Check that they receive appropriate medical care.
d. Bill for medical exam	The bill can be a traumatic reminder.	See Criminal Injuries Compensation.
e. Fear of telling family members	This concern is legitimate. Male family members, in particular, may have difficulties.	Offer to talk to family members. Make sure counselors are available.
e. Fear of media publicity	Newspapers like to print the gory details.	Contact newspapers to insure anonymity of the victim.
f. Fear the neighbours will find out	This is a real concern, especially in rural areas. People can be very insensitive.	Help the victim realize that the assault is nothing to be ashamed of.
g. Recurring nightmares changes in sleeping patterns, and loss of appetite	These behaviors are very common.	Let the victim know that these are normal reactions and that they will pass with time. Suggest counseling if the problem is serious.

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| h. Decision to prosecute | This decision is very tough. It may further be complicated by embarrassment. | Carefully explain the implications of prosecuting. |
| i. Fear they will have to testify about prior sexual history | In most circumstances, there are laws which protect victims from this kind of cross examination. | Explain the laws to the victim. |
| j. Nervous about polygraph | Often victims welcome the opportunity to "prove" that they are telling the truth and feel vindicated. | Explain the local policy. Try to diffuse the victim's fears. |
| k. Bitterness against the offender/shock at the violence/act/degradation | This may be the strongest hatred a victim has ever experienced. The victim may be frightened by the intensity of the emotion. | Allow the victim to express his anger (ie. physical exercise). |
| l. Sexual dysfunction | There are two possible responses:
1) victim may feel soiled and becomes promiscuous
2) victim may be unable to enjoy sex. | Refer the victim for professional counseling. |
| m. Unwillingness to talk to the authorities | "Being raped is a brutally destructive attack upon the victim's sense of personal integrity and competence as well as her basic trust of others" (People in Crisis, p. 177). | The victim should never be pushed to talk about the assault. |

2. Myths About Rape

These are myths. There is some truth in some of them for some individual rape situations, but they cannot be seen as facts about rape.

1) The rapist is a stranger.

This may be true, but in over half of rapes committed, the man is known to the victim. The rapist may be a neighbour, a colleague at school or work, a nodding acquaintance, or a friend of a friend.

2) The rapist is acting on a uncontrollable sexual impulse.

The basis of this myth is that men cannot control their sexual impulses, an idea which we know to be erroneous. Men can control their sexual desires. Furthermore, most rapes are not acts of "impulse" but are premeditated (58% of single - one man, one woman - rapes, 83% of rapes involving two men, 90% of rape committed by three or more men are premeditated).

3) A rapist is crazy.

Like most people, rapists have hang-ups but these do not differ significantly from those of the "average" man on the street. In most cases, rape is not a product of mental illness.

4) A rapist can be identified by the way he looks.

A rapist does not have fangs and pointed ears. He could be the man across the hall or the stranger in the elevator.

5) Rape is an act motivated by sexual desire.

No. Rape is an act of violence and aggression, of domination and humiliation. Sex is merely the means of assault. Rape is not based on a need for a sexual relationship. It is based on a desire to degraded and control a woman by forcing her to have intercourse against her will.

6) Rape happens in dark alleys.

Half of all rapes occur in a home. A rapist may break into a woman's house or she may open the door to a friend, a neighbour, or a serviceman. A woman may go home with a man after a date, after work, etc. Rape also occurs in situations that seem more dangerous, like underground garages, parks, or lonely streets.

Myths about rape was written by the Toronto Rape Crisis Centre.

- 7) A healthy woman cannot be raped by one man.

Women in our society are brought up to be passive. They are not taught to use their bodies defensively. By habit and/or conditioning, they may hesitate to be impolite or make a scene until the situation has become dangerous. Rape may be achieved by over threat - a weapon at her throat or physical abuse. Or, the threat may be verbal - "cooperate or else . . ." In fear for her life, a woman submits - but this does not mean she consents.

- 8) Only certain kinds of women get raped.

We have all heard statements like "nice girls don't get raped" and "only young, attractive women get raped". Both statements are false, as are others attempting to put rape victims in one category or another. Rape can happen to any woman regardless of her age, physical appearance, character, lifestyle, ethnic origin, or place of residence.

- 9) Women frequently cry "rape" false for reasons of revenge.

People focus on the idea of an innocent man being imprisoned for rape by a vindictive woman. However, this is not borne out by facts. False accusations of rape occur rarely. They occur no more than false accusations of other crimes.

- 10) A real rape victim will be hysterical.

Rape is always traumatic. This is true regardless of the reactions of the rape victim. People behave differently in a crisis. In the same way, women who have been raped show a variety of reaction (ie. hysterical crying, shocked apathy, calm "coping" behavior). If a woman is controlled and outwardly calm, it does not mean she wasn't raped.

- 11) A woman who has been raped will be battered and bruised.

Lack of bruised or broken bones does not mean that a woman has not been raped. Often threats of violence rather than actual violence are enough to cause a woman to "freeze" in a rape situation.

- 12) Women "lead men on" or "ask for it" by their style of dress and/or behavior.

This myth is perhaps the most devastating of all. It lies at the crux of many rapes, and is the reason so few rapists are found guilty. It expresses a belief that a woman does not have the right to self-determination, that she loses her fundamental human right to say "no" to sexual intercourse by dressing or conducting herself in a manner which offends some people's moral code.

5) Battered Women/Assault by Known Assailant

1. Problem	Comment	Suggestion
a. Decision to stay	Do not judge. Often a woman has good reasons for staying.	Give the woman options to improve coping ability. Help develop an escape plan.
b. Decision to leave	Such decisions are agonizing. It may be made several times before it is final.	Do not express disappointment if a woman chooses to return.
c. Financial worries	This decision often means poverty.	Help a victim develop job skills even while remaining in the household.
d. Decision to prosecute	This is a difficult decision. Victims often change their minds.	Explain implications and sentencing alternatives thoroughly.
e. Desire counseling for batterer	Batterers seldom voluntarily seek counseling.	Find counselors with special expertise in that area if the batterer is interested.
f. Desire counseling for themselves	Victims need to feel they are not alone.	Recommend participation in support group for battered women. Find a counselor with specific expertise.
g. For separated couples visitation offers opportunities for assaults	Visitation is a highly charged atmosphere. The victim is very vulnerable.	Recommend that the victim avoid direct contact with the offender. Find a third party who will act as a buffer. Suggest meeting in a public place.
h. Isolation	Battered women often have few friends. They are ashamed for people to know the situation.	Encourage the development of a support system.

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| i. Helplessness | Helplessness is a learned behavior. | Create experiences for victims in which they can gain a sense of accomplishment. |
| j. Psychological dependence | Many batterers are kind, warm and generous at times in the relationship, particularly right after the incident. | Such needs must be acknowledged, not glossed over. |
| k. Fear of reoccurrence | Victims must understand that almost all batterers are repeaters. | If victims decide to stay, encourage them to take precautions. Recognize early signs of build-up in tension. Help victim plan an escape route. |
| l. Fear of personal failure | Many women raised in traditional homes feel the marriage depends on them (ie. it is primarily their responsibility). | Encourage victims to recognize that a relationship is a two-way street. Help them assess their efforts to make it work versus their spouse's efforts. |
| m. Fear for children's safety and effect on children | Batterers often abuse the children as well. Eventually they may make sexual advances toward adolescent girls. This may be the last straw for the victims. The victim may also become abuse - there may be a pecking order. | Assess the situation carefully. Call a child abuse hotline if the situation appears serious.

Refer the victim to Parent's Anonymous. |
| n. Traumatic bonding | The psychological and emotional impact of beatings combined with the harsh economic realities of sudden separation and the unsympathetic justice system may cause the woman to drop all charges and return to the relationship. | Maximum support and understanding is essential. |

2. Additional Information

The following information has been obtain from the Justice Assistance News, June 1984.

- a. According to The Minneapolis Domestic Violence Experiment, if you are assaulted by your spouse and he/she is arrested, the likelihood that you will not be assaulted again is approximately doubled. James K. Steward, NIJ Director, stated that "arrest appears to deter violence even when the courts take no action."
- b. Some of the major findings include:
 - i) where the police did not make an arrest, 35% of the victims surveyed said there was a repeated incident of spousal assault in a six month follow-up period
 - ii) only 19% of the victims reported repeated violence when the police made an arrest
 - iii) approximately 59% of the offenders had arrest records, while 31% had arrest records for violent offences
 - iv) an arrest appeared to have no impact on the stability of the couple's relationship. A majority of the couple's broke up during the follow-up period, irrespective of what the police did.
- c. Dr. Lawrence W. Sherman, Vice President for Research at the Police Foundation, stated that 22 states in the United States still do not allow police officers to make domestic dispute arrests unless they have a warrant or actually witness the assault.

6) Robbery Victims

1. Problem	Comment	Suggestion
a. Fear of venturing alone on the street	This fear often entails major changes in the victim's lifestyle (ie. curtailing activities such as jogging or taking long walks).	Provide detailed street safety information (ie. self-defense training, buying a shrill whistle, etc.).
b. Relief at survival/realization of mortality	The thought "I'm going to die" often flashes through the victim's mind.	Help the victim recognize that he/she is lucky to be alive.
c. Frustration at the loss of personal items	The hassles of replacing lost documents may be the most frustrating part of the post crime period.	Collect detailed information on procedures for replacing driver's license, credit cards, etc.
d. Fear of intimidation	Muggers often threaten "I'll get you if you report this."	See suggestion for Handling Threats and Harrassment.
e. Fear on the job, in cases of commercial robberies	Employees of fast food establishments are particularly vulnerable.	Approach businesses to provide more effective protection for their personnel. Assist the victim to find new employment in a safe setting.

2. "Was He Asking For It?"

The following information has been obtained from Ms. Magazine, September, 1975.

Recently, "Harper's Weekly" carried an item from the American Bar Association Journal declaring that few rapists are punished for their crime. Only one in five rapes is reported and only one out of eight reported rapes ends in conviction. In a dialogue to demonstrate why most rape victims prefer not to press charges, the article asks us to imagine a robbery victim undergoing the same sort of cross-examination that a rape victim does:

"Mr. Smith, you were held up at gunpoint on the corner of First and Main?"

"Yes."

"Did you struggle with the robber?"

"No."

"Why not?"

"He was armed."

"Then you made a conscious decision to comply with his demands rather than resist?"

"Yes."

"Did you scream? Cry out?"

"No. I was afraid."

"I see. Have you ever been held up before?"

"No."

"Have you ever given money away?"

"Yes, of course."

"And you did so willingly?"

"Well, let's put it like this. You've given money away in the past. In fact you have quite a reputation for philanthropy. How can we be sure you weren't contriving to have your money taken by force?"

"Listen, if I wanted . . ."

"Never mind. What time did this holdup take place?"

"About 11 p.m."

"You were out on the street at 11 p.m.? Doing what?"

"Just walking."

"Just walking? You know that it's dangerous being out on the street late at night. Weren't you aware that you could have been held up?"

"I hadn't thought about it."

"What were you wearing?"

"Let's see - a suit. Yes, a suit."

"An expensive suit?"

"Well - yes. I'm a lawyer, you know."

"---So---if we didn't know better, Mr. Smith, we might even think that you were asking for this to happen, mightn't we?"

7) Kidnapping/Terrorism Victimss

Problem	Comment	Suggestion
a. Psychological effects	The Stockholm Syndrome may occur. When people are held captive for any length of time, they often develop a positive bond between themselves and the captor and a negative feeling toward the authorities. The factors that promote this reaction are: dependence of the hostage on the captor for survival, intensity of the experience, duration, and the distance of the hostage psychologically from authority.	Victims developing the hostage-captor bond require long term counselling.
b. Physiological effects	The intense stress of the situation can cause physiological disorders (ie. weight loss and abdominal distress) even well after the incident.	Victims may require medical attention.

B. Quasi-Personal Crime Victims

1) Breaking and Entering Victims

Problem	Comment	Suggestion
a. Violation of the home, the home is no longer a safe haven	People assume that they are safe and protected in their homes.	This is a valid concern. Suggest ways to make the victim feel safe (ie. get a dog, improve home security).
b. Realization of mortality/relief at survival (if the victim was at home at the time of the B & E)	In personal crimes, particularly when a weapon is used, the thought "I'm going to die" often flashes through the victim's mind.	Help the victim to recognize that "I'm lucky to be alive."
c. Reluctance to leave the home	Victims are often afraid that the house will be broken into again if they leave.	Suggest an array of home security measures.
d. Reluctance to stay home	People are often afraid they will encounter strangers in the home.	Suggest an array of home security measures.
e. Express a lot of "I shoulds"	Victims sometimes say "I should have . . . locked my doors . . . put in a new lock . . ."	Stress that the burglary was not their fault. Suggest home "safety measures."
f. Disgust at the destruction which may accompany the B & E	It is difficult to understand vandalism. It destroys faith in people.	There is no answer to this problem. It is a valid concern. Empathize, acknowledge, and accept the victim's feelings of anger and disgust.
g. Frustration with the police who do not investigate as thoroughly as they expect	Victims believe that the police should immediately take fingerprints and utilize the crime lab. They do not understand limitations. Victims also feel they "know" who committed the crime and believe the police should be able to prove it.	Explain the limitations of investigation (ie. criteria for assigning crime lab). Explain the need for corroborating evidence. If the victim is very concerned, you may ask the police to respond directly.

2) Theft Over \$200 Victims and Theft Under \$200 Victims

Problem

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| a. Feel violation of the home, no longer a safe haven | People assume that they are safe and protected in their homes. | This is a valid concern. Suggest ways to make the victim feel safe (ie. get a dog, improve home security). |
| b. Reluctance to leave the home | Victims are often afraid that the house will be broken into again if they leave. | Suggest an array of home security measures. |
| c. Reluctance to stay home | People are often afraid they will encounter strangers in the home. | Suggest an array of home security measures. |
| d. Express a lot of "I should's" | Victims sometimes say "I should have locked my doors . . . put in a new lock . . ." | Stress that the burglary was not their fault. Suggest home safety measures. |
| e. Sorrow at loss of items with sentimental value | Often this personal loss concerns the victim more than the monetary loss. | Get the victim to make a detailed description of the item, and give it to the police. |
| f. Disgust as destruction which may accompany the theft | It is difficult to understand vandalism. It destroys faith in people. | There is no answer to this problem. It is a valid concern. Empathize, acknowledge, and accept the victim's feelings of anger and disgust. |
| g. Realization of isolation | This is particularly apparent in mobile families. They are frustrated that their neighbours do not look out for them. | Encourage the victim to reach out and get to know their neighbours. |

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| h. Frustration with the police who do not investigate as thoroughly as they expect | <p>Victims believe that the police should immediately take fingerprints and utilize the crime lab. They do not understand limitations.</p> <p>Victims also feel they "know" who committed the crime and believe the police should be able to prove it.</p> | <p>Explain the limitations of investigation (ie. criteria for assigning crime lab).</p> <p>Explain the need for corroborating evidence. If the victim is very concerned, you may ask the police to respond directly.</p> |
| i. Expense of securing the home | <p>Victims with some financial resources often go out and buy elaborate and expensive security systems. Indigent victims may not have the resources to make even the smallest of repairs.</p> | <p>Provide a home security check. Spare the victim from buying unnecessary equipment. Help the victim find alternative resources. You may provide some emergency home repairs yourself.</p> |

3) Victims of Mischief and Vandalism

Problem	Comment	Suggestion
a. Financial loss	Some victims may not have the money to make even the smallest repairs.	Insurance may cover the costs.
b. Disgust at destruction	Vandalism is difficult to understand. It destroys faith in people.	There is no answer to this problem. It is a valid concern. Empathize, acknowledge, and accept their feelings of anger and disgust.

Note: Vandalism may be a form of Ethnic/Cultural Harrassment

4) Victims of Fraud

Problem	Comment	Suggestion
a. Financial loss	Senior citizens are the most common victims of fraud and are often on fixed incomes. Businesses also are hit by fraudulent cheques.	See Criminal Injury Compensation and financial assistance in the telephone directory. Suggest attending a lecture given by the Community Relations Department (Vancouver Police Department) entitled "Schemes, Shams, Cons."
b. Family reaction	Family may pressure elderly victims to move in with them or into a nursing home for security. Children may want to put a Restraining Order on family funds to prevent further attempts of fraud.	Contact the family and discuss the concerns. Check with a lawyer or legal aide.
c. Alter lifestyle	Victims may become reclusive and distrustful.	Suggest attending the "Schemes, Shams, Cons" lecture.

C. Special Needs Victims

1) Physically, Emotionally, and Mentally Handicapped Victims

Problem	Comment	Suggestion
a. Difficulty in communicating		
1. Deaf	While most deaf people will have some experience in lip reading, even the best lip reader will only understand $\frac{1}{2}$ of your words.	Pen and paper will improve communication. There are different sign languages. Find out which one the victim knows. Call the Western Institute for the Deaf.
2. Blind	Remember a blind person cannot read or fill out printed forms	Talk directly to the victim. Identify yourself when you enter a room. Offer assistance by talking, not touching.
3. Communication impairment	There may be difficulty in understanding language or expressing a language to difficulties in producing the sound.	Patience is required. Help from family members may be required if the problem is severe.
4. Mentally handicapped	May have difficulty understanding the crime and therefore have difficulty describing it. Victims may also have trouble understanding difficult questions.	Patience is required. Help from family members may be required.
b. Medical needs	Handicapped people often have special needs.	Check for a medical alert bracelet.
c. Feel vulnerable	Fear of crime may be high.	Discuss crime prevention measures, escort services, home security inspections, etc.
d. Financial loss	Handicapped people are often on a fixed income.	Refer the victim to Ministry of Human Resources.

- e. Transportation and Are buildings wheel-
access to buildings chair accessible?

Check for accessibil-
ity and see the di-
rectory for Transpor-
tation.

2) Victims of Ethnic/Cultural Harrassment

Problem	Comment	Suggestion
a. Dread	Victims may fear that harrassment may continue to escalate.	See Guidelines for Handling Threats and Harrassment.
b. Tremondous anger/ bitterness	People may feel the attack was personal, directed at them as individuals, or resent the attack on their heritage.	Encourage them to express their anger (ie. physical exercise).
c. Language		Use volunteers, family, neighbours, or MOSAIC for interpretation.
d. Fear that the attacks may continue to escalate		See How to Handle Victims' Concerns of Threats and Harrassment.

3) Elderly Victims

Problem	Comment	Suggestion
a. Fear of crime	Although elderly victims' fear of crime is much greater, they are no more likely to become victims than the rest of the population.	Suggest crime prevention measures, escort services, home security inspections, etc.
b. Financial loss	Senior citizens are often on a fixed income.	See Criminal Injuries Compensation. Insurance may cover the costs. See A & H homemakers.
c. Change in lifestyle	Crime often changes victims' habits.	Find appropriate alternatives.
d. Loneliness	Crime further isolates the elderly, who are often very lonely.	Encourage activities.
e. Family reactions	Often children pressure parents to move in with them or into a nursing home for safety reasons.	Contact the family to discuss these concerns.
f. Reluctance to get involved with the criminal justice system	Elderly victims frequently have a tremendous fear of the justice system.	Provide information about the criminal justice system and step by step accompaniment.

4) Child Victims

1. Problem	Comment	Suggestion
a. Emotional distress	Signs are changes in eating, sleeping, and behavior patterns.	Ask parents to be aware of these changes. The child may need professional help.
b. Parent's reaction	Parents may get hysterical. Their reactions may have more of an impact on the child than the actual crime.	Discuss this problem with parents. Where appropriate, refer for specialized counseling.
c. Guilt	Children often blame themselves for the uproar that is caused.	Parents must be careful to avoid blaming the child.
d. Parent's unconcern	Some parents may not want you to talk to their child.	Tread lightly. Recognize parents' needs.
e. Difficulty in describing the incident	Children may find it difficult to describe the incident, especially if very young.	Discuss the problem with the counseling advisor.
f. Fears about testifying	Most courts deal with children very sensitively.	Tell the child what will happen in the courtroom and give him/her a tour of the courthouse. Explain the process to the parents.
g. Incest: decision about the future of the family	A tug-of-war often occurs between child welfare agencies and the parents. It is further complicated by the scarcity of foster homes.	Understand the policies of local child welfare agencies.
h. Incest: mixed reaction by mother	Mothers may be torn between concerns for the child and dependence on the father. The child is often sacrificed.	These cases need to be carefully monitored.

- | | | |
|-------------------------------|--|---|
| i. Reaction of other children | Other children may be cruel. | Suggest that the family discuss the problem with the child's teacher. Other children's reactions will pass with time. |
| j. Fear of intimidation | Children and parents may be terrified of a reoccurrence. | Advise them of reasonable safety measures. |

2. Interviewing Children

- a. When interviewing children:
 - 1. Obtain permission of the parent or guardian.
 - 2. Decide if the parent should be present or not.
 - 3. Build trust slowly.
 - 4. Question the child slowly. Avoid "why" questions as they tend to be accusatory.
 - 5. Use appropriate language and words for the child's age.
- b. Additional guidelines for interviewing child victims for criminal justice system personnel can be found on page 152.
- c. Special techniques for child witnesses can be found on page 154.

INTERVIEWING CHILD VICTIMS

GUIDELINES FOR CRIMINAL JUSTICE SYSTEM PERSONNEL

BACKGROUND INFORMATION

The following issues affect the child's ability to give a history of sexual assault and influence the cooperativeness of victim and family.

I. Child's Developmental Level

A child's cognitive, emotional and social growth occurs in sequential phases of increasingly complex levels of development. Progression occurs with mastery of one stage leading to concentration on the next.

Cognitive—Preconceptual, concrete, intuitive thinking in the young child gradually develops toward comprehension of abstract concepts. Time and space begin as personalized notions and gradually are identified as logical and ordered concepts.

Emotional—The young child perceives her/himself egocentrically with little ability to identify her/himself in a context. S/he is dependent on the family to meet all needs and invests adults with total authority. The child often reflects the emotional responses of the parents. S/he gradually shifts to greater reliance on peer relationships and emotional commitments to people outside the family.

Behavioral—The young child is spontaneous, outgoing and explosive with few internal controls and only a tentative awareness of external limits. S/he has a short attention span. A child most often expresses feelings through behavior rather than verbally. As the child grows, s/he develops internal controls and establishes a sense of identity and independence. Peers and other adults have increasing influence on behavior.

II. Sexual Assault

Characteristics of the assault affect the child's emotional perception of the event and to a great extent determine the response. The closeness of the child's relationship to the offender, the duration of the offense, the amount of secrecy surrounding the assault, and the degree of violence are the factors which have the greatest impact on the child's reaction. The child may very well have ambivalent feelings toward the offender or be dependent on him for other needs.

III. Response to Child

The child is fearful of the consequences of reporting a sexual assault. The response of the family support system and official agencies will directly affect the resolution of the psychological trauma and her/his cooperativeness as a witness. The child fears s/he will be disbelieved or blamed for the assault and almost always is hesitant about reporting.

INTERVIEWING CHILD VICTIMS

I. Preparing for Interview

Prior to interviewing the child, obtain relevant information from parents/guardian, and if applicable, Child Protective Services case worker, physician, and/or Sexual Assault Center/Rape Relief counselor.

- A. Explain your role and procedures to above personnel, and enlist their cooperation.
- B. Determine child's general developmental status: age; grade; siblings; family composition; capabilities; ability to write, read, count, ride a bike, tell time, remember events; any unusual problems: physical, intellectual, behavioral; knowledge of anatomy and sexual behavior; family terminology for genital areas.

- C. Review circumstances of assault (as reported already by child to other person): what, where, when, by whom, and to whom reported; exact words of child; other persons told by child; how many have interviewed child; child's reaction to assault; how child feels about it and what, if any, behavioral signs of distress (nightmares, withdrawal, regression, acting out) have occurred.
- D. Determine what reactions and changes child has been exposed to following revelation of the assault(s): believing; supportive; blaming; angry; ambivalent; parents getting a divorce; move to a new home.

II. Beginning the Interview

- A. Setting—The more comfortable for the child, the more information s/he is likely to share.
 1. Flexibility—A child likes to move around the room, explore and touch, sit on the floor or adult's lap.
 2. Activity—Playing or coloring occupy child's physical needs and allows her/him to talk with less guardedness.
 3. Privacy—Interruptions distract an already short attention span, divert focus of interview, and make self-conscious or apprehensive child withdraw.
 4. Support—If the child wishes a parent or other person present, it should be allowed. A frightened or insecure child will not give a complete statement.

B. Establishing a relationship

1. Introduction—Name, brief and simple explanation of role, and purpose: "I am the lawyer (or legal person) on your side. My job is to talk to children about these things because we want to them to stop happening."
2. General exchange—Ask about name (last name); age, grade, school and teacher's name; siblings; family composition; pets, friends, activities, favorite games/TV shows. (It often helps to share personal information when appropriate, e.g., children, pets.)
3. Assess level of sophistication and ability to understand concepts—Does child read, write, count, tell time; know colors or shapes; know the day or date; know birthdate; remember past events (breakfast, yesterday, last year); understand before and after; know about money; assume responsibilities (goes around neighborhood alone, stays at home alone, makes dinner, etc.).

III. Obtaining History of Sexual Assault

A. Preliminaries

1. Use language appropriate to child's level; be sure child understands words. (Watch for signs of confusion, blankness, or embarrassment; be careful with words like incident, occur, penetration, prior, ejaculation, etc.)
2. Do not ask WHY questions ("Why did you go to the house?" "Why didn't you tell?") They tend to sound accusatory.
3. Never threaten or try to force a reluctant child to talk. Pressure causes a child to clam up and may further traumatize her/him.

(over)

4. Be aware that the child who has been instructed or threatened not to tell by the offender (ESPECIALLY if a parent) will be very reluctant and full of anxiety (you will usually notice a change in the child's affect while talking about the assault). The fears often need to be allayed.

- "It's not bad to tell what happened."
- "You won't get in trouble."
- "You can help your dad by telling what happened."
- "It wasn't your fault."
- "You're not to blame."

5. Interviewer's affective response should be consonant with child's perception of assault (e.g., don't emphasize jail for the offender if the child has expressed positive feelings toward him.)

6. Ask direct, simple questions as open-ended as allowed by child's level of comprehension and ability to talk about the assault.

8. Statement

1. WHAT

- "Can you tell me what happened?"
- "I need to know what the man did."
- "Did he ever touch you? Where?"
- "Where did he put his finger?"
- "Have you ever seen him with his clothes off?"
- "Did you ever see his penis (thing, pee pee, weiner) get big?"
- "Did anything ever come out of it?"

Once basic information is elicited, ask, specifically about other types of sexual contact.

- "Did he ever put it into your mouth?"
- "Did he ever make you touch him on his penis?"

2. WHO

Child's response here will probably not be elaborate. Most children know the offender and can name him, although in some cases the child may not understand relationship to self or family. Ascertain from other sources what is the exact nature/extent of the relationship.

3. WHEN

The response to this question will depend on child's ability, how recently assault happened, lapse between last incident and report, number of assaults (children will tend to confuse or mix separate incidents). If the child is under six, information: time is unlikely to be reliable. An older child can often narrow down dates and times using recognizable events or associating assault with other incidents.

- "Was it before your birthday, the weekend, Valentine's Day?"
- "Was it nighttime or daytime?"
- "Did it happen after dinner, 'Happy Days', your brother's bedtime?"

4. WHERE

The assault usually occurs in the child's and/or offender's home. Information about which room, where other family members were, where child was before assault may be learned.

5. COERCION

What kind of force, threat, enticement, pressure was used to insure cooperation and secrecy?

- "Did he tell you not to tell?" "What did he say?"
- "Did he say something bad would happen or you would get in trouble if you told?"
- "Did the man say it was a secret?"

C. Assessing credibility and competency

1. Does child describe acts or experience to which s/he would not have normally been exposed? (Average child is not familiar with erection or ejaculation until adolescence at the earliest.)
2. Does child describe circumstances and characteristics typical of sexual assault situation? ("He told me that it was our secret", "He said I couldn't go out if I didn't do it", "He told me it was sex education".)
3. How and under what circumstances did child tell? What were exact words?
4. How many times has child given the history and how consistent is it regarding the basic facts of the assault (not times, dates, circumstances, sequence of events, etc.)?
5. How much spontaneous information can child provide? How much prompting is required?
6. Can child define difference between truth and a lie? (This question is not actually very useful with young children because they learn this by rote but may not understand the concepts.)

IV. Closing the Interview

A. Praise/thank child for information/cooperation

B. Provide information

1. Child—Do not extract promises from child regarding testifying. Most children cannot project themselves into an unknown situation and predict how they will behave. Questions about testifying in court or undue emphasis on trial will have little meaning and often frightens the child (causing nightmares and apprehension).
2. Parent—Provide simple, straightforward information about what will happen next in the criminal justice system and approximately when the likelihood of trial, etc.

C. Enlist cooperation—Let them know who to contact for status reports or in an emergency, express appreciation and understanding for the effort they are making by reporting and following through on process

D. Answer questions; solicit responses

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In recent years there has been much publicity about the ordeal of prosecution for the rape victim. Many states have initiated programs to address victims' rights, but it is too early to tell how victim advocate programs and related legislation will affect the rate of prosecution of rape and other sexual assault offenses.

It is not widely known that a significant number of sexual assault victims are children. National statistics on the incidence of sexual abuse of children are not kept. Many local jurisdictions do not have systems for gathering such information either. Incidents of child sexual abuse currently being brought to the attention of police agencies are probably only the most unusual or severely abusive cases. The number of child sexual assault victims referred to the Sexual Assault Center for medical or counseling services has been increasing steadily since 1973. During the past year, over 25% of cases referred to SAC were victims age 14 and under. Thirteen percent of our total cases were age nine or younger. Twenty-one percent were sexually assaulted by members of their immediate family. The majority of child victims we serve are molested by an offender who is known to the child (61%). Although child molesters are usually not violent in the sense that forcible rapists are, child victims are usually confused and frightened as a result of the abuse, and sometimes physically injured as well. It has been our experience that child molesting is often a compulsive behavior; therefore, if the offender is not prosecuted for his crime, a series of children will undoubtedly be exposed to his abuse.

If child molesters are prosecuted, child victims must endure the same processes an adult victim does, without benefit of special procedures or protection. This fact contrasts with the differential treatment which our society provides to minors in other areas of the criminal justice system. The United States was the first society in the world to establish separate criminal justice system procedures for juvenile offenders, based on belief that children have experiences, capabilities, and vulnerabilities that are significantly different from adults. However, our society has not subscribed to protecting all children involved in criminal proceedings — only juvenile offenders. If a child is witness to a crime committed by an adult, that child is drawn into the adult criminal justice system procedures, where there is usually little allowance made for the child's limited ability to compete within an adult system. Two negative effects can result: (1) child victims and their families report being further traumatized by investigation and court procedures; and (2) prosecutions of child molesters are unsuccessful because the crimes are either not reported initially or the child witness is not able to convey the information necessary to corroborate the sexual offense charge in court.

If our society believes that sexual molestation of children is a serious crime, then it seems that special techniques must be adopted within the criminal justice system which not only encourages cooperation of child witnesses, but at the same time acknowledges the inherent limitations on a child's performance.

Although procedures for filing charges of sexual abuse and trial preparation are somewhat different in each jurisdiction, there are some common basic requirements. We shall assume that most systems necessitate several separate interviews in which the child witness is asked to review details of the assault; these are usually conducted by the police department and prosecuting attorney's office. (In Seattle, there is a minimum of three basic interviews.) The child is expected to recount the incident — as well as events preceding and following — in vivid detail. The child is also expected to provide to a series of strange adults additional accurate information on dates, times, sequences, and a description of suspect and location. Usually it is not possible for a parent or advocate to be with the child during these interrogations. The child may be required to identify the offender by picture or line-up, and there may be a preliminary hearing, during which the child again recounts details of the sexual abuse. If the suspect does not plead guilty, there will be a trial in which the child will testify again and also be subject to cross-examination in an open courtroom while facing the accused. The above process takes place over many months. (An average time for adjudication of these cases in Seattle is six months.)

It is no wonder that many parents and mental health professionals fear that the effect of criminal proceedings on the child will be more emotionally traumatic than the assault itself. At the Sexual Assault Center, we have observed on numerous occasions the negative effects of a child's involvement in investigation and prosecution proceedings. It is our opinion that the problems inflicted on child sexual assault victims in the criminal justice system result from (a) an inadequate understanding of children and their capabilities by system personnel, and (b) misconceptions held by those same personnel about the nature of the crime of child molestation. Without basic knowledge in both areas criminal justice system personnel are ill-equipped to elicit necessary information from the victim or maintain her cooperation and that of her family.¹ Since the victim is usually the only witness, she is the prosecution's most valuable resource, particularly because there is rarely any corroborating evidence. Increased reporting of sexual abuse of children and improved conviction rates depend on changing those aspects of the legal system which inhibit victim cooperation. This article will present some general information about child development and child molestation. With this information as background, we will also suggest some different strategies for accommodating the child witness in criminal justice system proceedings.

It is generally accepted that normal child development progresses in sequential, overlapping phases of increasingly complex learning. The child masters skills at one level and moves on to the next stage. Physical, intellectual, and social growth occurs in this fashion. Although there are many different theories of child development, the major theoretical frameworks all recognize similar phases, beginning with infancy and continuing through early childhood, preschool-age,

¹Since ninety-three percent of child victims served by the SAC have been girls, we will use the female pronoun for the sake of clarity.

school-age and adolescence. Some of the major skills which the child must acquire are social relationship skills, language, conceptual thinking, and the ability to interact with an increasingly more complex societal framework. It must be remembered that each child learns at a different rate and generalizations are never strictly applicable to any one child.

Knowledge of the basic principles of child development has immediate significance for law enforcement personnel in investigating sexual abuse cases. Obviously the child cannot be a witness unless she has acquired verbal skills. In the case of the pre-verbal child who has been molested, another witness or corroborating evidence would be necessary in pursuing prosecution. A child establishes verbal language as the primary mode of communication between the ages of two and four. Although the preschool child (ages four through six) can talk well, she does not understand concepts well and therefore, her verbal skills may imply a better comprehension than actually exists. The preschool child does not understand metaphors, analogies, or irony; she can memorize, but without comprehension. The narrative account of a four-year-old child tends to be rambling and disjointed, containing both relevant and irrelevant details. Children in the preschool-age group engage in intuitive thought; they can accept connections between events but do not understand causality. The preschool child entertains one thought at a time and cannot conceive of multiple thoughts as an integrated whole. Although she can vividly recall isolated events, often triggered by association with a familiar sight or sound, the memory is usually spotty and lacking in continuity and organization. For the four to six-year-old, concepts of time, space, and distance are usually personalized and not logical and orderly.

Emotionally, the preschooler is an outgoing, spontaneous child with few internalized limits. She can be stubborn, quarrelsome, and scatological. The child spends most of her time in play, particularly dramatic, acting out play. Although fantasy becomes an important element in the child's repertoire, she can easily distinguish fact from fantasy. When lying occurs, it is usually the child's attempt to make something look better or extricate herself from a problem situation. Children in this age group are unable to practice real deception because they still invest adults with complete authority and believe that adults would perceive any lie. In addition, the child still depends totally on her family to meet all physical and emotional needs. She has an egocentric perception of the world with only tentative awareness of any relationships which do not involve her directly. It is apparent that the abilities of the preschool-age child fall far short of the traditional requirements which the legal system has for witness performance.

The school-age child (ages six through eleven) is better prepared to respond to the expectations of an interviewer. This child is beginning the gradual shift from total reliance on family to a peer culture. She is aware of herself in different roles — as student, child,

peer. But she still depends on parents for refuge and support. Girls and boys tend to group together in same-sex bands with separate interests. A loyalty develops as the child seeks recognition from the group, with its rituals, traditions, and rules. It is at this point that children begin to practice deception and guile around adults as they establish a sense of separateness. Although they may become sullen, insolent, and taciturn with adults, they seldom lie about major issues. This is particularly true when relating to issues of justice and equality. They are very sensitive to any apparent unfairness or differential application of justice. They are often rigid and harsh on each other and become legalistic nitpickers with adults. Intellectually, school-age children have increasing mastery of language and symbols, can locate themselves in time and space, and gradually move from absolutism to relativism. Thinking still remains concrete rather than abstract, but they are voracious learners who are rapidly developing all skills and are intensely interested in understanding how things work.

The crime of child molesting — its characteristics and emotional consequences — can be examined within the framework of normal child development. Sexual abuse of children rarely involves physical injury and is perpetrated primarily by adult males who are known to the child. The child may readily submit to the known authority figure because she has been taught to respect and obey adults; therefore, the use of violence by the offender is generally unnecessary. Sexual abuse of the pre-adolescent child usually does not include sexual intercourse but consists of fondling, oral-genital contact, or manual penetration of the child's vagina or anus. The offender may have offered the child a bribe of affection, gift, or money. Unlike forcible rape which is a single dramatic attack, sexual abuse may begin insidiously, progress to greater intimacy, and continue over a long period of time. This is especially true in cases involving family members, the most common of which is father molesting daughter. When the assailant is a stranger, it is far easier for the child to overcome her fear of "telling on" an adult because she has usually been asked by parents to report unusual behavior by a stranger. In the case of an offender who is known by the child (often a close family friend or family member), the obstacles to telling are much greater. This is a situation for which the child is not prepared; she is unclear about whether or not the act is wrong, and whether or not the people to whom she reports will believe her. If she has ambivalent feelings toward the molester, she may not want to cause trouble for him. If the adult molester denies the allegations, the child may be disbelieved and her tales of abuse characterized as "vivid imagination."

The specific emotional consequences of sexual abuse cannot presently be predicted, but the intensity of distress reported by child victims generally correlates with the reaction of the parents and authorities who become involved (doctor, counselor, policeman, attorneys). When the assault is nonviolent and occurs only once, it is clearly less traumatizing than the extremely violent or longer-term situation. If the child is not believed or is

accused of provoking the incident(s), she will acquire additional negative feelings about herself. Too often parents who do believe their child's account can still be ignorant about the dynamics of child molesting; they may increase problems for their child by over-reacting and treating the child as if she has changed. The child often interprets this as blame. Even when the parent responds in a calm, appropriately supportive, believing manner, the activities of the criminal justice system will usually exacerbate the child's distress. Perpetual discussion of the sexual assault in repeated interviews over many months discourages rapid resolution of the assault-related trauma for both child and parents. The criminal justice system must address the conflict that exists between a child victim's emotional needs following a sexual assault and the requirements for prosecution of the case.

The first major issue in pursuing a sexual assault case is establishing the credibility of the child witness. Adults are extremely reluctant to believe a child over an adult, as all children well know. Popular mythology dictates that children often fabricate tales of sexual assault despite a lack of any research to substantiate this belief. Thus it is incumbent on the investigator, police or prosecutor, to dismiss such misconceptions and evaluate each case on its individual merits. Unfortunately, this task is usually made difficult because of the absence of corroborating evidence. Often the investigator must rely entirely on evaluation of the child's testimony. The inherent reluctance of a child to challenge adult authority and the possibility of retaliation which the child may be risking should be kept in mind when beginning an investigation. There are criteria which can be used to assess a child's statement. The words the child uses, the acts she describes, and the degree to which she is able to recount the event to a stranger can all be measured against characteristics of that child's developmental stage. If the overall adjustment of the child to family, school, and peers is satisfactory, it is highly unlikely that she would be deviant in one area of her personality development (i.e., producing an elaborate fabrication of sexual abuse).

There are many useful strategies for improving the investigation of this crime by applying knowledge of children's behavior to the investigative procedure. Many of the following suggestions may seem obvious, but unfortunately these procedures have not been adopted in many jurisdictions. When the initial complaint is received, usual procedure is for the victim to be interviewed by a series of law enforcement personnel — uniformed officer, detective, and prosecutor — as well as by a doctor, and perhaps a counselor or Children's Protective Services worker. A child has a limited capacity to respond to repeated questioning, so in order to most effectively elicit information and maintain her cooperation, these various agencies might develop a coordinated approach. Joint interviewing could be established or preferably one person could be designated to take the victim's statement. This should be done as soon as possible following the assault, because passage of time very significantly affects a child's ability to testify. The initial interview could be videotaped to afford the prose-

cuting attorney an opportunity to review her capability as a witness. One comprehensive statement should be adequate to file charges.

The setting of the interview and the manner in which it is conducted have significant bearing on the child's performance as a witness. The crowded, noisy, bare-walled precinct room or the formal attorney's office with a massive desk are not conducive to eliciting an easy flow of information from a child. She should be interviewed in a quiet, private room which allows the child some room for exploration. A child cannot comfortably sit still on a hard-backed chair for any length of time. Toys, books, crayons and drawing paper should be available to aid in occupying and relaxing the child so she can converse more easily. The younger child will need a parent or familiar person present to feel secure enough to talk during the interview, whereas the older child may be too embarrassed to talk freely if the parent is present. (Children generally develop a strong sense of modesty around the age of six or seven.)

The interviewer can alleviate the child's anxiety by establishing a personal rapport with the child. The interviewer should be relaxed and casual, and preferably not in uniform. Communication can be established by inquiring about the child's interests, family and friends, pets, school and neighborhood, and by allowing her in turn to ask questions of the interviewer. A simple explanation of the function of the interviewer and the agency (police, prosecutor) will help the child understand and therefore cooperate with the proceedings. The language and the number and kind of questions used are the crucial aspects of the interview. Although it seems obvious that the level of language employed by the interviewer should apply to the child's level of comprehension, this rarely occurs. Attorneys are by far the worst offenders in this area. Children in the legal system are regularly subjected to legal jargon and terminology that even their parents do not comprehend. Much of the concern about credibility stems from the confusion which results when the child does not understand the question and therefore answers incorrectly or incompletely. Because the attention span of children is shorter than that of adults, the interviewer should carefully choose questions that elicit the most information. It is a waste of time to ask questions which the victim cannot answer. For example, a four-year-old who does not yet perceive time in a logical, sequential order need not be asked about dates and times of the abuse. Too often the interviewer is limited by his own fixed approach to investigation and does not adapt to the child's situation. The child may become frustrated and directly or indirectly refuse to discuss the incident further. The situation then arises where criminal justice system personnel, parents, or mental health professionals decide the child is not a credible witness or that she cannot "handle" the prosecution processes.

Time is an important element of the entire process. There is often a long delay between each subsequent step which can seriously limit a child's ability to testify. Whenever possible, the proceedings should be accelerated. A child's memory quickly blurs so that although she can remember the molesting incident, other details

may become indistinct. It is usual in this jurisdiction for four to six months to elapse between reporting of the crime and a trial date. Even an adult has difficulty remembering accurately after this much elapsed time. In addition, children are often expected to sit for lengthy interviews on different occasions or to wait for several hours before testifying. This can damage the testimony also because of the child's limited capacity to wait.

Court appearances (preliminary hearing, grand jury hearing, or trial) are the most difficult encounter for the child witness. The courtroom is unfamiliar and intimidating to even the most secure adult. Astonishing as it may seem, children are generally required to testify while sitting alone on the witness stand; the child must speak into a microphone while facing the alleged assailant in an open courtroom which may be filled with spectators. Questioning may go on for hours with the child expected to sit quietly and respond without benefit of explanation or clarification. The prosecutor who initially interviewed the child may not handle the case for trial and usually additional interviews are conducted prior to trial. Even prosecutors who have managed to establish a rapport with the child find it impossible to transfer it to the trial setting because, once in the courtroom, they seem compelled to revert to trial terminology. When cross-examination occurs, it is usually unsympathetic despite the victim's youth, since the offender's attorney defends his client with the usual tactic of attacking the credibility of the victim. Prosecutors are often reluctant to object for fear of appearing too protective of the witness; judges hesitate to interject for fear of swaying the jury. Thus the child is abandoned to a set of abstract beliefs in justice, and we can ask if justice is indeed being carried out without the complete participation of the witness. One possible model to address this problem is assigning a legal representative to advocate for each child appearing as the victim/witness in a criminal matter. This person would be appropriately qualified with knowledge of child development and the law and could speak out in court when the questioning became inappropriate to the child's age, level of comprehension, or emotional state. The child victim advocate role would not interfere with the proceedings or abrogate the rights of the defendant.

Including the child's family throughout the process can provide valuable aid to the child and to the criminal justice system in pursuing prosecution. It has been our experience that parents of the child victim are usually not informed of steps in the prosecution; yet at the same time, they are expected to cooperate fully with the investigation. Parents are asked to wait patiently while their child is interviewed. They pay for medical exams to obtain medicolegal evidence, arrange to take their child out of school, rearrange their own schedules for various interviews, and pay for parking, mileage and babysitting costs. Throughout this lengthy, inconvenient process, parents are often not given opportunity to express their concerns regarding their child's involvement in the process. The parent who wishes to strongly pursue prosecution of the offender and is assertive about seeking information is labeled "too eager," and the reluctant parent is accused of obstructing justice. When parents

are informed and educated realistically about the various proceedings, they can be invaluable in building a case. Their cooperation can be enlisted by treating them respectfully and involving them in decisions, consulting with them about their child, answering their inquiries, and patiently allaying their fears. We feel the opinion of the family should be gathered when the child victim cannot be involved (such as in making sentencing recommendations). Many parents find the experience with the criminal justice system so unpleasant that they vow never to report another crime. Families should be encouraged to participate not only when their own child is involved but as responsible citizens who believe the system can work.

In spite of the fact that the community at large is outraged by the crime of child molesting, the legal system has failed to develop mechanisms which support and encourage successful prosecution when the victim witness is a child. If criminal prosecution is the avenue society chooses to deal with this important problem, then there is an obligation to adjust the requirements of the legal system to conform to the special needs and abilities of children. These changes would clearly necessitate specialized training for all official figures involved with the investigation, as well as development of new and flexible procedures. Legislation should be explored to provide the legal foundation for special protection of the child witness.

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V. Safety and Emotional Concerns for Victim/Witness Services Unit Staff

A. Managing Conflict, Violence, and Hostility

1) Assess the situation for safety

The following information has been obtained from the Reserve/Auxiliary Police Program.

a. When arriving at the scene:

1. maintain security of your vehicle
2. scan the house, surroundings, exits, and entrances
3. observe windows, doors, roofs, etc. for unusual circumstances
4. during the approach, one volunteer should be watching and listening at all times
5. listen for 10 - 20 seconds as you stand to one side of the door to the premises.

b. When entering:

1. knock on the door while standing to one side.
The knock should not be loud or disturbing.
2. do not enter if invited with "come in."
3. if there is no response, check for indications of any trouble
4. when the door opened, look inside before entering
5. have any dogs removed to another room or outside
6. the door should be closed after entry

c. When inside:

1. enter and exit using the leap frog technique
2. assess the potential for violence. Is the house tidy? Are others present? Do disputants have access to potential weapons? Visually frisk victims and all present.
3. never let disputants out of sight until you are convinced the potential for violence has been neutralized
4. if the dispute is physical and out of hand, leave immediately and call for assistance
5. bedrooms and kitchens are particularly dangerous (ie. weapons). It should be noted that in many immigrant families, the kitchen is the focus of their social life. Try to remove parties to a neutral room (ie. living room or dining room).

B. Handling Conflict, Violence and Hostility

- a. Conflict, violence, and hostility includes threats and harrassment.
- b. Difuse the situation (ie. calm the person down) as much as possible, then leave.
- c. If the hostility is directed at you and you cannot leave, report it to the police.
- d. If the hostility is directed at the victim and you cannot defuse, leave. It is up to the victim to report the incident to the police.
- e. Ways to Handle Potentially Violent Criminal Incidents
 - a. Avoid high danger situations, if possible.
 - b. Be a human being (ie. invoke sympathy and empathy by saying that you have a disease).
 - c. Play for time. Engage, for example, in conversation.
 - d. Avoid risk (ie. avoid name calling, bluffs, etc.).
 - e. Escape if you can.
 - f. If you decide to fight, do it quickly.
- f. Intervention Skills with Violent Individuals

The following information has been obtained from Al Cohen, The Maples.

Opening

What is bothering the individual?
 Know the background of your client
 Keep pace with your client, but don't raise your voice or get violent
 Get the client to calm down (take control of himself)
 Try and get as much information out of the client as possible

Middle

Tell the client you only have five minutes (or however long you have)
 Give feedback (ie. tell them what you see)
 Interpret the situation for the client (ie. tell them when they are mad
 If the client is playing with something, tell him/her to stop

Closing

Wrap up the interview
 Tell the client if you can help him or not, depending upon how much information you obtained
 In closing, tell them to tell you anything they want to say

C. Managing Stress

1) Definition

- i) reaction to pressure (life)
- ii) can have positive and negative effects
- iii) stressors (sources of stress) effect our psychological and/or physical well-being.

2) Coping with Stress

- a. Ineffective responses involve externalization (ie. blaming others, failure to accept responsibility, displaced hostility, and rationalization).
- b. Ineffective responses also involve internalization (ie. overeating, reliance on medications, drinking, and smoking).
- c. Effective responses include:
 - effective communication
 - seeking professional assistance
 - accepting responsibility
 - establishing realistic goals
 - rest and relaxation
 - exercise
 - reasonable diet
 - paying attention to body signals (ie. coughing, headaches, and emotions)
 - life-style analysis (ie. re-evaluating values, goals, etc.)
 - exercising control where we can and ignoring things we cannot control
 - modifying behavior (ie. dropping bad habits)
 - information seeking

THE 5 BEST—AND WORST— WAYS TO HANDLE STRESS

Best

1. Take action to prevent the situation from happening again.
2. Exercise, walk, jog, dance or meditate.
3. Engage in a hobby.
4. Talk to a friend or relative as soon as you can.
5. Get it off your chest, blow off steam.

Worst

1. Apologize even though you were right.
2. Take it out on others, blame someone else.
3. Keep it to yourself.
4. Drink alcohol.
5. Try to act as though nothing much has happened.

D. Managing Burnout

1) Definition

- i) state of being physically, emotionally, and intellectually exhausted
- ii) may occur to anyone, and most often occurs with people who work intensely and intimately with people on a day-to-day basis.

2) Symptoms

Symptoms include:

- total exhaustion (mental and/or physical)
- cynicism (ie. no rewards to work, apathetic, withdrawn, workplace is enemy, etc.)
- feeling helpless and hopeless in changing
- accident prone
- sudden mood changes

3) Coping with Burnout

- recognize symptoms
- receive support/help
- take time off/time out

E. Debriefing and Feedback

a. Debriefing may be necessary for volunteers:

- i) after certain incidents
- ii) immediately after the incident with your partner
- iii) under certain circumstances, more than once or at a later date with the project consultant

b. Debriefing involves talking about the incident. It provides emotional support and relieves stress.

c. The purpose of feedback is to improve and acknowledge volunteer skills.

d. Important points to remember when giving feedback include:

- i) prior to giving feedback, talk about it
- ii) when giving feedback, be gentle, caring, supportive, and sensitive
- iii) be straightforward and give in a direct manner
- iv) be descriptive rather than evaluative
- v) be specific
- vi) give both positive and negative feedback
- vii) allow for discussion.

e. Important points to remember when receiving feedback:

- i) unless you feel you can't handle it at that moment, invite your partner to give feedback
- ii) avoid becoming defensive
- iii) try to clarify feedback that you don't understand or agree with
- iv) discuss points on which you agree and/or disagree
- v) remember that feedback is a learning process.

F. Responses and Actions for Emotions/Issues Experienced by Victim/
Witness Services Unit Workers

Emotion/Issue	Response	Action
a. Fear	- of getting involved - of what might happen to you - of getting hurt - of what happened to the victim could happen to you (specific phobias can develop)	- do not discount any fears as they are based upon reality - establish safety procedures: 1) people who will look out for you 2) self-defense courses - secure your environment
b. Denial	- of the seriousness of the problem or that there is a problem or that it can happen to you	- find someone to talk to - process cases or sessions - attempt to learn more about your own victimization experiences
c. Overwhelment	- by lack or total inadequacy of options and resources for victims - by hearing too many painful scary stories - by anxiety because you cannot control client's fate	- establish realizable goals - try to determine your own limits and personal needs - check out your own expectations for yourself and for your clients - use support networks for yourself and the victim
d. Helplessness	- cannot do anything for the victim because of the system and the victim - victim's helplessness may produce overwhelming anxiety - violence makes us acutely aware of how helpless we are	- try to establish areas where you and the victim can succeed with others - share your concerns - feel mastery in your job, know resources, helpful counseling ideas, and what has worked for other programs

- e. Anger
 - at the victim, system, offender, and our own helplessness
 - anger may be a response to fears of our own vulnerability
 - at possible indifference of institutions and their lack of concern
 - allow for outlets within your organization
 - acknowledge achievements rather than concentrating on failures
- f. Guilt
 - for being any at the client
 - lack of options or victim's inability to use them provokes our sense of inadequacy
 - begin to acknowledge your limits and that you cannot control what is happening to the victim
 - help develop good resources so that you feel you have done the best possible job
- g. Trust
 - for not having fulfilled your expectations
 - we also tend to judge the victim if we think that their behavior was stupid
 - promise only what you can deliver and do what you promise
 - recognize that clients have their own mechanisms for solving their problems. Your solutions may not be best.
 - treat victim as a person
- h. Depression
 - feelings of worthlessness, failure when the victim does something you think is harmful
 - feeling as if you did not help
 - for feeling that you meant nothing to the victim
 - talk out your feelings and share the pain
 - look at your own self-punishing mechanisms for not doing enough for people
 - take time off
 - develop outside interests
- i. Ambivalence
 - may feel ambivalence about getting involved with victims
 - may have ambivalent feelings about the client
 - may question decisions or changes the victim feels they need to make

G. First Aid

The following section on first aid is to be used only as a reference section. It is in no way a substitute for actual first aid training. It is recommended that all victim service workers enroll in a St. John's Basic First Aid course or an Industrial First Aid course. It is also recommended that all service workers take a recognized Cardiopulmonary Resuscitation (CPR) course. All of the above recommended courses are available at the Justice Institute or at a St. John's Ambulance Training Center.

A. Assessment of a First Aid Situation

1. Check for danger and remove if present.
2. Check for clues about the history of the first aid situation.
3. Shake and shout (both sides of the head) if the victim appears to be unconscious.
4. Appoint someone to call an ambulance and report the estimated time of arrival.

ie: "You in the red shirt, call 872-5151 for an ambulance
Tell them that you have an unconscious person at 100 Harwood
Street, and report back to me."

5. If patient is conscious:

- a) Monitor breathing
- b) Monitor pulse

6. If patient is unconscious:

Check - Airway
Breathing
Circulation

B. Three Priorities of all First Aid Situations

Airway
Breathing
Circulation

Airway - Maintain an open airway

- 1) Position head and extend neck to open airway

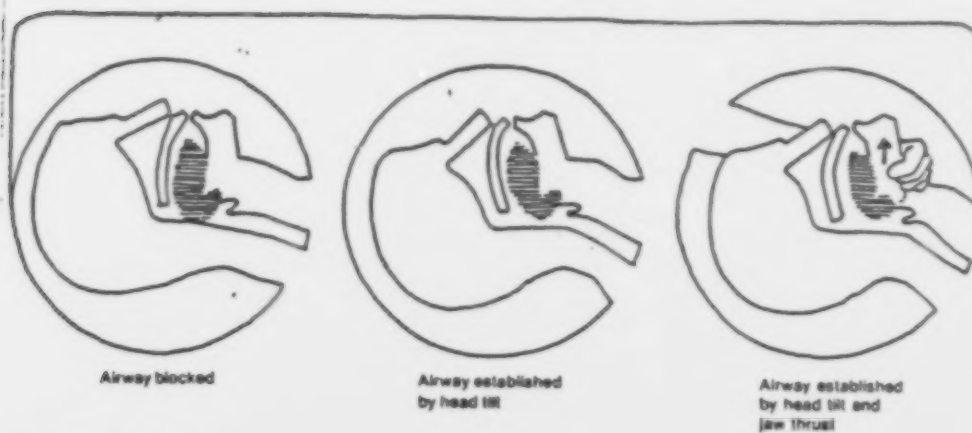


- 2) Put your ear above victim's mouth
 - a) listen for escaping air
 - b) feel for escaping air
 - c) look for rise and fall of chest



If not breathing, begin artificial respiration
(Mouth to mouth)

- 3) If airway is obstructed
 - a) reposition hand and neck
 - b) use a jaw thrust



JAW MANOEUVRE

If the airway is still obstructed or blocked

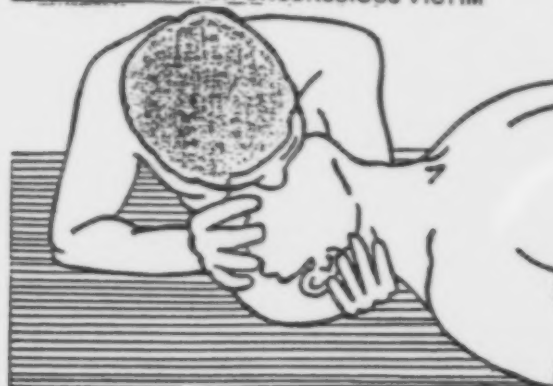
- 4) Use a choking victim procedure
 - a) 4 back blows
 - b) 4 chest thrusts
 - c) attempt artificial respiration



BACK BLOWS



CHEST THRUST FOR UNCONSCIOUS VICTIM



Breathing - Check for breathing

If normal breathing has stopped artificial respiration must be started immediately

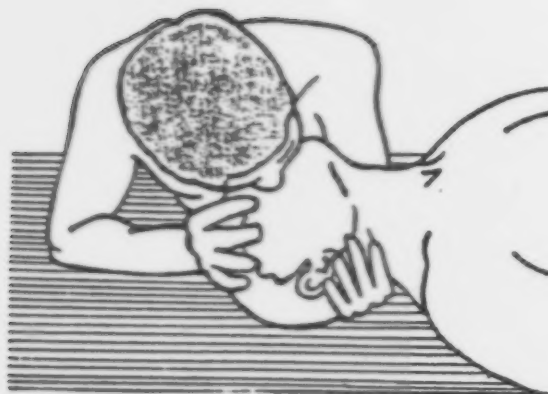
1) Tilt head back

- a) easier if person is in a 3/4 prone position



2) Seal and exhale

- a) Pinch nostril or seal nostril with cheek
b) seal your lips around the victim's mouth
c) first exhale should consist of 4 quick breaths



3) Release and Inhale

- a) release nostril and break seal
- b) observe chest falling



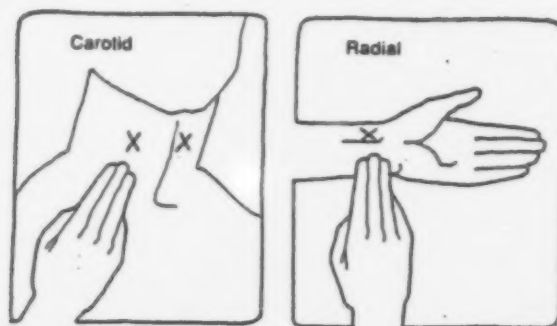
Repeat 10-12 times per minute

NOTE: When making a seal on a child, put your mouth over both their mouth and nose

Circulation

1) Check for pulse

- a) carotid
- b) radial



PULSE

2) No Pulse

- a) If no pulse is found, begin cardiopulmonary resuscitation (CPR) if qualified
- b) If no pulse is found, and you are not qualified in CPR, still give artificial respiration. The victim may have a very faint pulse and will need oxygen to prevent body cell damage.

3) Pulse Found

- a) check for bleeding by doing a body check from head to toe

4) If bleeding is found

- a) put a sterile pad over bleeding area and apply direct pressure

- b) if bleeding is from an artery

-apply direct pressure

if bleeding does not stop

-use a pressure point to cut off circulation

Roll Play # 1

Cast of Characters:

Victim of a Break and Enter Offence
Brother or Sister of the Victim
Two (2) Victim/Witness Services Workers

Scenario:

The twenty-four (24) year old male/female victim lives alone in a apartment in a three story building. He/she has a very close relationship with the older brother/sister who is present when the workers arrive.

The victim came home from work today and saw two young boys and a young girl run past him/her in the first floor hallway and through the door out into the street.

The victim was surprised, but continued down the hall to his/her apartment.

The apartment door was open and the apartment was a mess; everything was overturned, upset, and thrown about. He/she telephoned the police and they responded and took a report. Before they left, they called in the Victim/Witness workers due to the degree of trauma that they saw the victim and the brother/sister experiencing.

INSTRUCTIONS FOR ROLL PLAY MONITORS

Role Play # 1

You are going to watch a roll play completed by four of the staff who are being trained to perform victim/witness services unit duties.

They will be told that no one is graded on their performance.

- that this is a learning exercise
- that we expect them to "play" the roles as best they can
- that you (monitors) will be watching them in order to make both positive and negative comments about how the victim/witness workers handled the situations
- that each group of four will complete the exercise twice
- that we expect that when the victim and the victims' sibling have their turn role playing the victim/witness workers roles, that they will make fewer mistakes, due to the exposure to the scenario and the added amount of time they have had to prepare for the role.

You should watch each group you are assigned to watch with the following objectives in mind:

1. Amount of active listening that is exhibited by the workers.
2. Nature of suggestions offered by the workers.
3. Ways the workers use to : diffuse anger;
calm the victim/sibling;
Identify the problem(s).
4. The manner in which the workers introduce themselves to the victim and the victim's sibling and their handling of their departure from the victims apartment.
5. Try to assess if you feel that the workers were sincere in their efforts to assist the victim/sibling.
6. Watch to see that the workers always have each other in their lines of sight. (Let them know that for safety reasons they should never let the other worker out of their sight - for example leave the room, or allow the victim or sibling to block their view of their fellow worker.

INSTRUCTIONS FOR: VICTIM

You are twenty-four years old and five months ago left your parents home and moved to this apartment. You like it here; at least you did until today.

You have the following fears and attitudes at present:

1. Fear - you are frightened that the thieves will return; especially frightened that they will return when you are home.
2. Anger - that anyone would wish to harm you in this manner
 - at your brother/sister - because your sibling is taking an "I told you so" attitude towards your being victimized. You do not feel that you are getting the emotional support from your brother/sister that you deserve. You know this is because your entire family objected to your choice of location for your apartment; all of them feel that the neighbourhood is run-down and dangerous.
 - at the mess that the thieves made
3. Upset - that although many items were taken, the only one you care about was the theft of your grandfather's watch - which was the only memento you have that was his, since his death last year. Everything stolen is covered by insurance; but the watch is not replacable.

INSTRUCTIONS FOR: BROTHER/SISTER OF VICTIM

You are older than the victim and you are very upset and aggitated. You nenver liked your brother/sister's choice of living alone in a neighbourhood that you consider to be dangerous. Now your fears, as well as fears of other family members, have come true.

You try to sepearate the victim workers and get one of them aside to ask that they help you to convince your brother/sister that the neighbourhood is unsafe, unsavory, and horrible. You want the workers to tell your sibling that he/she should move out at once.

INSTRUCTIONS FOR: VICTIM/WITNESS WORKER # 1

You are more experienced than your partner in helping people with their problems. You therefore take the lead in helping this victim and the victim's sibling with their problems.

You are a person who is very good at listening and figuring out what the problems are and helping the victim to see his/her own solutions to the problems.

INSTRUCTIONS FOR: VICTIM/WITNESS WORKER # 2

You are less experienced than your partner in helping people with their problems. You let your partner do most of the talking, but you must pay close attention as the victim may prefer to speak to you of the victims sibling may try to take you aside for a private conversation.

Role Play # 2

The following role play will be completed twice. The first time, the players will complete the role play doing everything wrong; from the standpoint of assisting the victim in his/her recovery. The second time thru the role play, the players will correctly assess and deal with the victim's emotions and concerns.

Scenario

A bank teller has been the victim of a robbery. He/she is extremely upset, agitated and unable to return to the teller's cage. He/she is shaking quite noticeably and is unable to calm himself/herself.

As a result, the police officers who took the complaint have called in the victim/witness service workers to assist him/her in dealing with the trauma.

Victim:

You are really upset. You are shaking and don't speak clearly as a result. You continually ask the worker to repeat what he/she has said - saying "eh" and "what" often. You seem to be calming down often, but then go back to your previous state of emotionality.

You have refused and continue to refuse to go back to your teller's cage. You don't really want to go home either, as you fear that the robber will be waiting for you "somewhere" because you did not do as he said - You did not give him all of your money. You only gave him a small portion of the money in your till.

You do not change your performance from one version of the scenario to the other - best or worst.

Assistant Bank Manager:

You fear that "molly-coddling" of this teller could lead to more anxiety amongst the other tellers.

You understand how he/she could be upset, but you have a bank to run - with two tellers out sick, you are tired of hearing customer complaints of slow service. One more teller out of the cage, and the lines will be monumental.

Now this robbery has happened. You must try to get the teller back to his/her cage, at once.

You wander in and out of the area where the teller is being interviewed by the two victim/witness workers.

You do not threaten loss of the tellers job, but do order him/her back to work. You act the same in both performances - best and worst.

Victim/Witness Worker # 1

General Instructions:

You are the lead worker, in that you have the most experience.

Best Performance:

You are kind, caring and considerate of both the victim and the bank manager. You empathize with the victim, and you feel (but do not say) that the Assistant Bank Manager is being unfair in demanding that the teller return to the cage. You mention that the odds are very small that the robber will come back to the bank or take the trouble to follow him/her when the teller leaves the bank.

You suggest that for a day or so, perhaps he would feel more comfortable if he/she left the bank in the company of others.

Basically, at all other times, you find out what the teller wishes to do and explore his/her feelings about the possible actions.

You listen very attentively to all the victim has to say.

You recognize the victims feelings and affirm that they are normal responses.

Worst Performance:

You are preoccupied by a fight with your girlfriend/boyfriend. You are very brusque and show very little warmth or human compassion. You demand that the victim calm himself/herself, or you can't help him/her.

You tell the victim, at the appropriate point that he/she was "dumb" not to give the robber more money, as he demanded.

You tell the victim that obviously "he/she is an emotional wreck" and is in desperate need of immediate psychiatric help.

You interrupt the victim often, and speak in long, disjointed sentences, making it difficult for anyone to follow your train of thought or questioning.

You tell the victim "Don't be stupid" and "Get control of yourself".

You tell the victim "If only you'd listen to me, your problems will be solved."

You also tell the victim, "If you didn't see a gun, why did you give up the money?"

You tell him/her "Stop thinking about it. Think about something else, you'll feel much better. And also tell him/her "If you can't remember what he looked like, how do you think you can help the police?", "MyGod, your job is dangerous!"

You at some point say "You're in the worst shape of any person I've ever seen."

Victim/Witness Services Worker # 2:

Worst Performance:

You continually interrupt, or try to interrupt what victim/witness worker number 1 is saying.

You physically escort the bank manager from the area at some point.

You interject successfully to tell the victim:

"Just last week I saw a teller who had been shot. What a mess!
But the robber didn't get any money!"

You also say, "I wouldn't want your job if they paid me a million!"

You are very agitated yourself during the meeting, and constantly twitch and squirm while wringing your hands, twirling your hair, and rocking back and forth on your chair.

You light up cigarettes and blow smoke in everyone's faces and continually drop ashes on the floor.

You close out the performance by saying to the victim:

"Well, Good Luck. You're going to need it, it seems.

Call if we can do anything else for you." Exit

Best Performance:

You are less experienced than your partner in helping people with their problems.

You let your partner do most of the talking, but listen attentively to all the victim has to say as the victim or the bank manager may prefer to speak to you or take you aside for a private conversation.

VICTIM/WITNESS SERVICES UNIT

ROLE PLAY #3

You are called to the crime scene with your partner for the Victim/Witness Services Unit.

When you arrive and are introduced to the victim, you notice that the victim is swaying slightly. He seems to be otherwise all right. The police officers leave after introducing him to both of you.

The victim has just been robbed at knife point as he was walking towards his home from a nearby restaurant.

He tells you that he is okay but is worried about going home now as the robber took his wallet and therefore knows where he lives. His wife is not due home from work for another three hours, as she works the afternoon shift at the hospital.

You and your partner use the victims statements, your knowledge and your abilities for service as your guide.

VIII. Pamphlets Available in the Victim/Witness Services Unit Office

A. Crime Prevention Information - General

Business Watch.....	181
Neighbourhood Watch.....	182
Block Parents.....	183
Tips to Stop Shoplifting.....	184
Fraudulent Cheque Protection.....	185
Home Security Surveys.....	186
92 Ways to Protect Yourself.....	190

B. Crime Prevention Information for Women

Preventing Sexual Assault.....	197
Woman Alone.....	198
WAVAM Rape Crisis Centre.....	199
Women's Self Defense.....	200
Vancouver Incest and Sexual Abuse Centre Society.....	201

C. Crime Prevention Information for Children

Streetproof Your Children.....	202
Child Abuse/Neglect Helpline for Children.....	203

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E. Counselling Information

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After Suicide.....209

L.I.F.E. Resource Centre.....210

Healing Grief.....211

Suggestions for the Friends and Relatives of the Grieving

Survivor.....212

Coping with Bereavement.....213

G. Witness Information

So, You're Going to be a Witness.....214



Business Watch

Steps you can take to
safeguard your business
against crime.

Sponsored by your local Police.

NEIGHBORHOOD WATCH

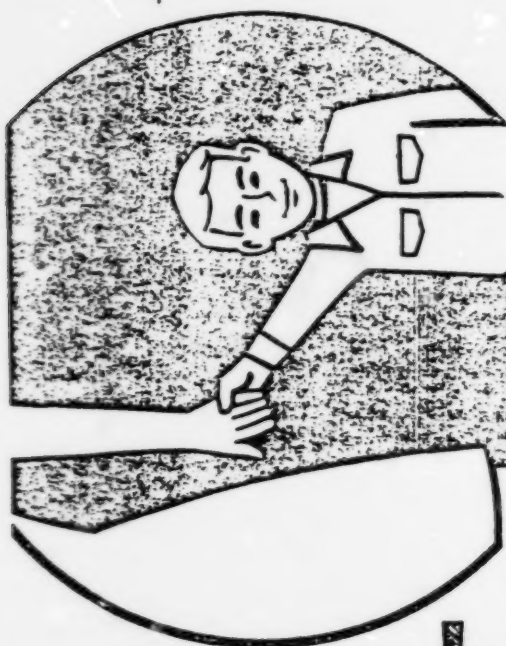


A HOME SECURITY PROGRAM

SPONSORED BY YOUR LOCAL POLICE

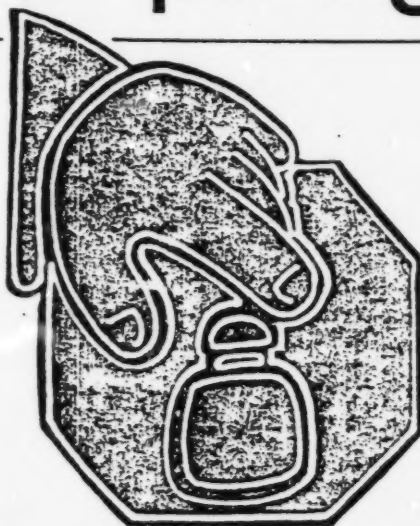


BRITISH COLUMBIA POLICE COMMISSION
MINISTRY OF THE SOLICITOR GENERAL OF CANADA



THE BLOCK PARENT

Tips to stop shoplifting



**Working Together
To Prevent Crime**

Fraudulent Cheque Protection



**Working Together
To Prevent Crime**

Things you should know about security surveys:

A security survey is a strange, new concept, **RIGHT?**

WRONG. A security survey may be a new idea to you, but there are people in your area who know all about them, including



your neighborhood burglar. Check with your police department for assistance.

I have to pay an expensive expert, **RIGHT?**

WRONG. Your local law enforcement officer may be able to help free of charge. Just ask.

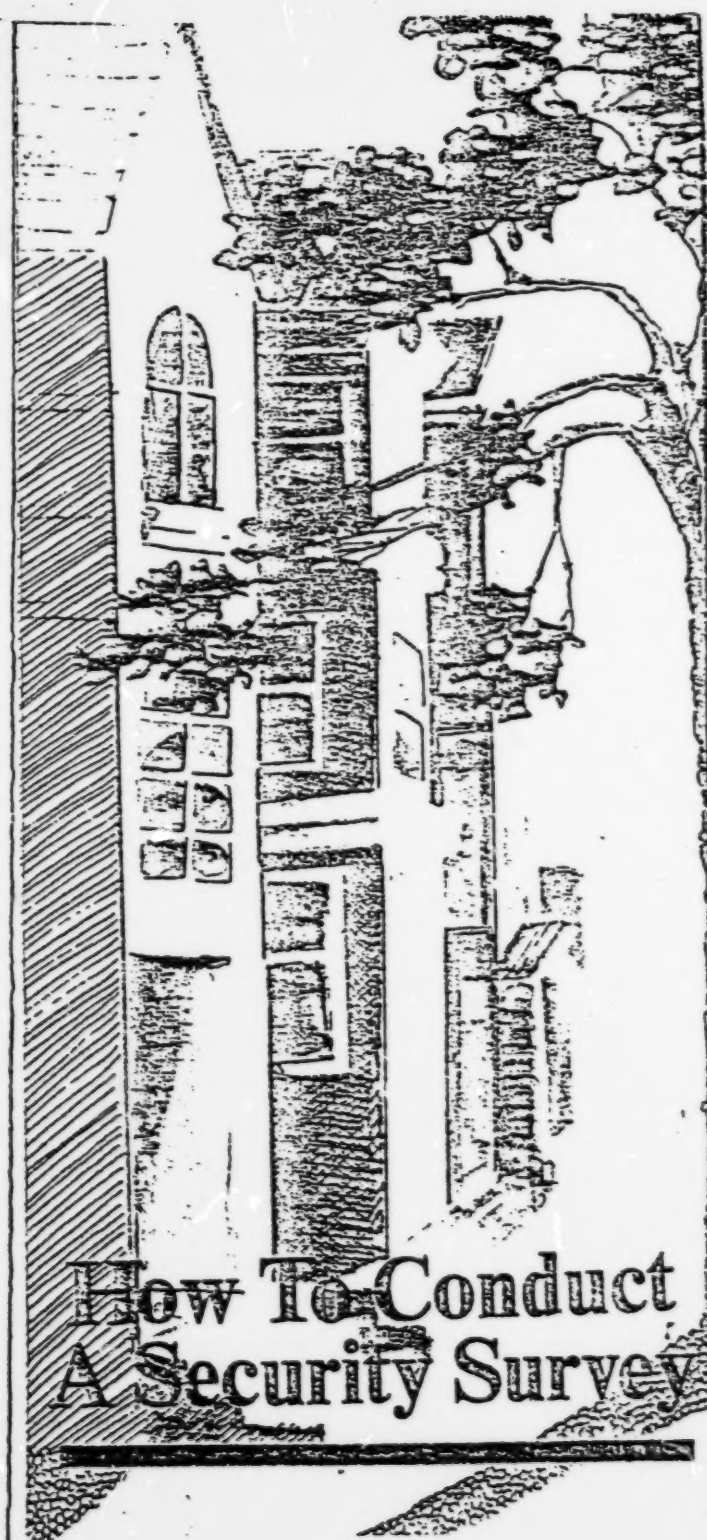
I have to read volumes of information, **RIGHT?**

WRONG. This brochure, along with the recommendations of your local law enforcement agency, are all you need to conduct a security survey.

I have to buy expensive equipment, **RIGHT?**

WRONG. A security survey is based on simple, inexpensive techniques to safeguard your home against intruders. These techniques may or may not include alarm systems, depending on your preference.*

*NOTE: If you should decide to install an alarm system, remember that price doesn't always indicate quality.



Even with these tips, my home still won't be burglar-proof, **RIGHT?**

RIGHT. No home is burglar-proof. But most burglars are opportunists looking for an easy target. Your secured home is much less "attractive" than the one down the street that isn't protected. Your local burglar can tell you that.



The Security Survey.

Check out your home from the burglar's point of view. Start on the outside:

yes no

- ☐ ☐ Do trees and shrubbery obscure doors or windows?
- ☐ ☐ Are any entrances to your home unlighted?
- ☐ ☐ Are any openings to your home (sky-lights, crawlspaces or vents) unprotected?
- ☐ ☐ Are any entrances unlocked, including the garage and inside doors?

If you answered **yes** to any of these questions, you have a problem to correct. Now

let's look at your house from the inside:

yes no

- ☐ ☐ Are exterior doors secured using a deadbolt lock, minimum one-inch throw?
- ☐ ☐ Does the basement door have extra protection, such as a padlock?
- ☐ ☐ Does the garage door lock?
- ☐ ☐ Does the garage entrance to your home have a deadbolt lock (with a minimum one-inch throw)?
- ☐ ☐ Are all exterior doors (including the garage) strong enough to withstand excessive force?
- ☐ ☐ Are all strike plates and frames for each door strong enough to withstand excessive force?
- ☐ ☐ Are sliding doors and windows secure against forced locks and/or lifting out of their frames?
- ☐ ☐ Are hinges pinned to prevent removal?
- ☐ ☐ Is there a peephole viewer (180°) on the main entrance door?
- ☐ ☐ Are double-hung windows secured with a pin or extra lock to discourage jimmying?
- ☐ ☐ Are panes in louvred or jalousie windows well-fastened to the metal retainers? Are they reinforced with metal screening or grating on the inside?
- ☐ ☐ Do the casement window latches work properly, without excess play?

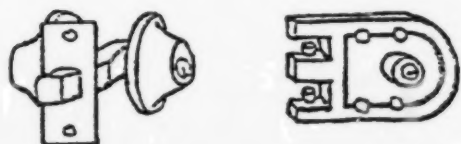
What Can You Do?

To frustrate a burglar, reduce or remove his opportunities. Simple, practical crime prevention techniques, when implemented, are demonstrating overwhelming success at deterring the youthful burglar.

Inspect all points of entry into your home:

Doors

- All outside doors should be solid core in construction, or metal clad. Hollow core doors are easily kicked or battered in.
- All door frames should be solid in construction and firmly attached to the house structure.
- If any doors have hinges on the outside, they should be replaced with non-removable hinges (available commercially).
- All outside doors should have securely mounted deadbolts or rimlocks. A deadbolt lock with a one-inch throw is difficult to pry or jimmy. An intruder can break any



glass within 40 inches of the lock, reach in and turn the lock. A double cylinder deadbolt will prevent this. If local laws prohibit double cylinder locks, non-breakable glass

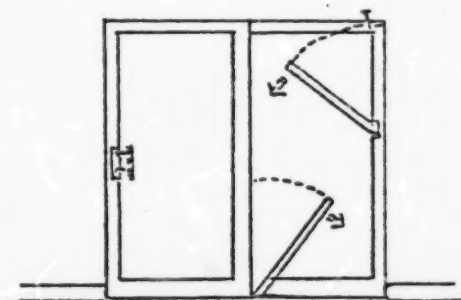
should be installed within 40 inches of the lock.

- A wide-angle lens peephole is easy to install and will allow you to see visitors without opening the door. *Never* rely on a chain lock as a security device!

Sliding Doors

Sliding glass doors require special attention:

- Prevent both panels from being lifted up and out of the tracks. Secure the stationary panel with a screw from the inside into the door and frame. The top track should have small screws protruding down so the door barely clears them.
- When locked, wedge the sliding door with a swinging metal rod (a "Charlie Bar") to prevent entry even if the



lock is picked or broken. A less desirable option is to wedge a wooden rod (a broom stick, for example) into the bottom track.

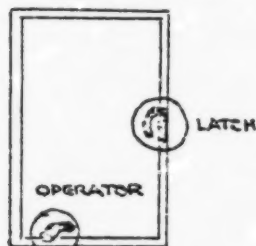
Windows

- Double-hung windows (the most common type) are easy to jimmy open. To prevent entry, drill a downward sloping hole through the top of the bottom sash and into (but not through) the bottom of the top



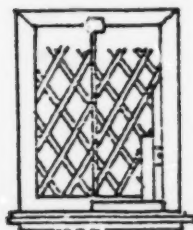
sash. Insert a pin or nail in this hole to prevent the opening of either sash.

- Secure sliding windows in the same manner as sliding doors.
- Casement windows usually have secure latches. Make sure that your



latches are strong and tightfitting. Locks are available for this type of latch to provide additional security.

- Jalousie and awning type windows are not very secure because individual panes are easy to pry or remove. You may want to install metal grating on the inside of the windows, or consider replacing them entirely with a more secure type.



Remember: A primary consideration is easy exit from all points of entry into your home.

Alarms

Most homes, and probably yours, can be adequately protected without alarms. If an alarm system is considered, however, remember these points:

- Get written cost estimates, compare companies and check their reputations.
- An effective alarm system should protect all points of entry into your home.
- Price is no guarantee of quality. Your local police department may be able to help you determine the best system for your needs.

Outside the Home

Now that you've protected your home, look around the outside. Remember, the burglar is looking for easy opportunity. Protect your protection.

- Trim all trees, bushes and shrubs that offer concealment.
- Install outside lighting to eliminate dark areas around doors or windows.
- Before an extended absence, ask someone to watch your home, collect the mail and papers, and cut the lawn. This will give your home a 'lived-in' look.

Is Your Home Safe?

Once you have followed these recommendations, you should feel reasonably secure. No homes are burglar-proof, but you have reduced the opportunity.

Your investment of time, energy and resources was well worth it. Every five seconds someone wishes he had practiced crime prevention.

92 WAYS TO PROTECT YOURSELFIN THE HOME OR APARTMENT

1. Do not leave your shades or draperies closed during the day when you are out. Drawn window coverings are a solid clue that no one is at home.
2. Create some source of noise in the home before you leave (an empty house is a silent house). For example, place a radio, with the volume turned low, at a front window.
3. Leave one or two inexpensive toys or garden tools scattered about. Do not leave unlocked bicycles outside (they are a clue to the carelessness of the homeowners, which may extend to other precautions they neglect to take as well).
4. Always close and lock garage doors before you drive away; an empty garage is a strong sign of an empty house.
5. Never leave a note in the door for anyone explaining that you are out to lunch, have gone shopping, etc. -- this advertises the fact that you are not at home.
6. Never leave valuable furs, clothing, rugs, etc. on a clothesline unless you are there to watch them - this is dangling bait before a thief.
7. In winter, never leave foot or tire tracks in the snow that only show people leaving. Walk or drive the car back and forth to indicate arrival as well as departure.
8. Never hide a key outside your home or apartment - under a mat, over a door, beneath a flower pot, etc. If there must be another key available, leave it only with a trusted neighbour.
9. Keep the shrubbery trimmed near your doors and windows so that they are visible from the street.
10. Keep your grass cut, your leaves raked, etc., indicating that your house is well cared for.
11. Always have lights (preferably in more than one room) turned on when you are away at night (an inexpensive timer will accomplish this automatically).
12. Keep a light in your bathroom all night long, indicating, even when you are home, that someone is awake.
13. Never leave small valuable articles (watches, jewellery, cameras, typewriters, cassettes, etc.) on window sills, on shelves near windows or in places easily visible from the outside. Money, stocks, bonds and as many other valuables as possible should be kept in banks and safety-deposit boxes.

-2-

14. Empty your mailbox or arrange to have it emptied as soon as mail is delivered. If possible, replace it with a slot type in the door so that mail will fall inside.
15. Never have your marital status or your first or middle name on your nameplate ("Miss Jane Ellen Logan", for instance, should immediately be changed to "J. Logan").
16. Get to know your neighbours. They want to be safe too, and you can help one another by being alert to anything unusual that occurs in the area.
17. Record descriptions and serial numbers of power tools, outboard motors, television sets, stereos, etc.: have photographs taken of jewellery. Register these with your police department, depending upon the laws of your particular province, and indicate that you have done so with a sign that is provided for pasting on your door.
18. Never turn your dog loose on an interloper - he may be knifed or maimed. Keep him close to you for your protection.
19. If you employ a baby sitter, explain all the precautionary rules you follow, and insist, for her safety and the safety of your children, that she follow them as well.
20. Never admit a stranger into your apartment lobby when you are entering (even if the stranger turns out to be a tenant, he will appreciate your caution).
21. If there is a tenant's association in your apartment building, join it, but don't depend on it alone for your security.
22. Persuade your landlord to have unprotected mailboxes moved to a wall behind the locked door to the lobby - mail thefts are common.
23. Ask him to install bright lights in all corridors if they are not there. If he won't comply, chip in with other tenants and buy bright bulbs. If he objects, check with building inspectors.
24. Ask your landlord if he will remove all draperies (which will have someone lying in wait for a tenant) from the lobby.
25. An unmanned elevator is like an automobile in which you are a hitchhiker. Don't enter one with anyone who makes you feel uneasy. If he enters on an intermediate floor, simply walk out of the elevator.
26. Stand next to the control panel in the elevator. If accosted, push the emergency button or several floor buttons.
27. Double lock your apartment door even if you are only visiting a neighbour next door.

-3-

28. Keep a list posted of places where you can get emergency help in the building if you need it - the super, a neighbour, the building alarm buttons, etc.
29. When apartment hunting, remember that you are safer on middle floors than on the first or second or the top floors.

ON THE TELEPHONE

30. Never give any personal information (your name, address, your age, etc.) to a stranger on the telephone.
31. If someone dials your number by "mistake", do not give him your correct number. Ask what number he has dialed and tell him to dial again.
32. Never let a stranger on the telephone know when you will or will not be home.
33. If your husband is not at home, do not indicate this. Simply say that he is not available, take the caller's telephone number and tell him that he will return the call.
34. Instruct a baby sitter never to tell anyone who telephones that she is alone with the children.
35. If children are old enough to be left alone, instruct them never to tell a caller that they are alone.
36. If you live alone, have only your first initial and last name listed in the telephone book.
37. If you receive an obscene telephone call, hang up immediately.

WHEN GOING AWAY

38. Before you go away on vacation, cancel newspaper and milk deliveries, but don't detail the reasons for the cancellation.
39. Ask your mailman to hold your mail at the post office, deliver it to a neighbour or have it forwarded to you.
40. Leave a key with a friend. Ask him to check the inside of the house periodically, change the positions of draperies and blinds.
41. Arrange with a neighbour to remove advertising announcements and the like from your lawn, mailbox or steps. Leave some small toys or garden furniture outside where they are visible from the street - ask a neighbour to change their positions from time to time.
42. Store all your valuables.

-4-

43. Inform the police when you are leaving and when you plan to return. They will put a special check on your house.
44. Don't disconnect your telephone. Consider engaging a telephone answering service (human or machine) to answer the phone, but provide no definite details about your absence.
45. Don't set the trash cans out early (a sure sign that you won't be home on collection day). Ask a neighbour to set them out on the proper day.
46. Consider inviting friends, relatives or associates to live in your home (or apartment) while you are away.

TRAVELLING

47. Carry as little money as possible; use credit cards and traveller's cheques as much as possible.
48. Be aware that pickpockets frequent airports and train and bus terminals, so watch out for them particularly there.
49. Don't keep tapping the spot where you keep your wallet (a pocket, a pocketbook, etc.) a sure sign that you are nervous about it.
50. Don't pack your car with luggage until the moment you are leaving your resort or motel. Never pack it and leave it standing.
51. Consider purchasing your own lock and key for motel doors, bureau drawers and closets (several travel locks are available; they usually cost between three and six dollars).

ON THE STREET

52. Always be aware of the possibility that you may be accosted by day or night while out walking. Do not daydream.
53. Always carry your pocketbook close to your body. If you have a shoulder bag, keep an arm around it - don't dangle the straps from your hand.
54. If you are walking on the sidewalk and believe that you are being followed, cross the street. If you still are followed, head for a place where there are people as quickly as you can.
55. If possible, do not walk alone, particularly at night.
56. If you are walking and being followed by a car, turn around and walk back : the other way. The car will have to turn around and will then be on the opposite side of the street.

-5-

57. If you are walking and someone in a car asks for directions, remain several feet from the car as you give them - far enough away to be safe from a hand that might grab your purse or you.
58. Do not wear revealing clothing while walking alone in the street. If you are dressed for a party, add a jacket or wrap to your costume if you must do any walking en route.
59. If you must walk alone at night, plan your route in advance. Know the restaurants and shops that will be open and know the locations of telephone booths.
60. Never walk near high shrubbery, dark buildings or parked cars. If you are surrounded by both, walk in the middle of the sidewalk. If the sidewalk seems too dark, walk in the centre of the street.
61. Never take short cuts through alleys or parks at night. If at all possible, walk closely behind a group of people who look trustworthy.
62. When you walk through a parking lot, have your car keys out and ready to slip in the lock.
63. If someone walking near you is making you uncomfortable, look up at a lit window and wave. Pretend that someone is watching out for you.
64. If someone is crowding you at a subway or bus stop, it may be pickpocket at work. Say aloud, "Somebody's pushing me".
65. If your bus stop is not adequately lit, complain to the transit authorities.
66. While waiting for a subway train at nights, remain near the person in the change booth.
67. If you go to the movies alone, avoid dark corners or rear seats in the orchestra or balcony.
68. If you are bothered by someone in the theatre, express your feelings, change your seat or complain to an usher. If there is no usher, scream! This is the quickest means of getting help.
69. When you return home, never leave your house key in your door for a minute after you open it.
70. Never put your key and pocketbook down inside the open door while carrying packages inside.

DRIVING

71. Never leave the key in the ignition of your car; never leave your car unlocked. Eighty percent of stolen cars have been left unlocked; forty-two percent had the key in the ignition. Also, attackers may hide in the rear seat.

-6-

72. Never hide an extra key anywhere in your car; as with house keys, thieves are familiar with all the hiding places.
73. Never pick up hitchhikers; never hitchhike yourself.
74. Consider an alarm system for your car, and when you have one, paste an alarm decal on your windshield.
75. Always keep your automobile well maintained to avoid possible breakdowns. Check your gas gauge every time you start your car; check your tires at least once a week for wear.
76. Always check the back seat of your car before you enter it. Carry a small flashlight with you for doing this at night.
77. Keep your car doors locked day or night; keep your car windows closed. If you need ventilation, open the window an inch or so (never enough to permit a hand to enter) and use the air vents.
78. Never place valuables on the seat beside you - keep packages on the floor or in the trunk.
79. If you have any expensive accessories in your car, engrave your driver licence number on them for identification.
80. If another car is following you, do not drive home! Drive to a police station; drive into a service station with your horn blaring. (Try and get his licence plate number).
81. If you are stopped at a traffic light and someone tries to enter your car, keep honking your horn.

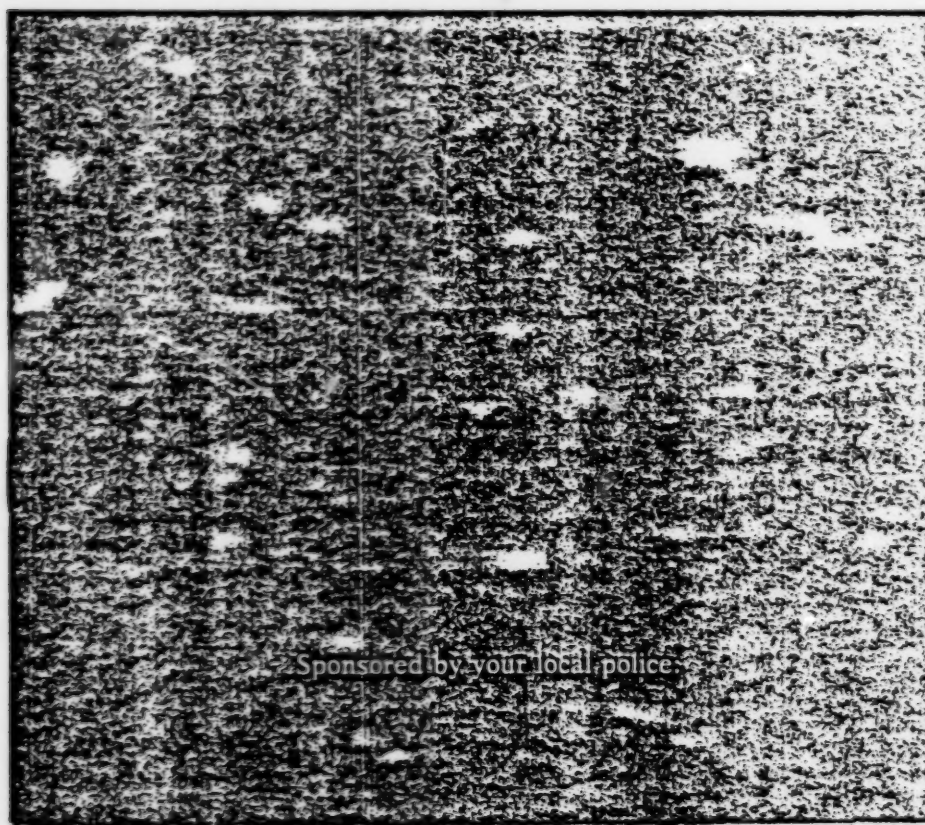
CONFRONTATION

82. Always be psychologically prepared to protect yourself; ask yourself, what if? What if I find that the lock on my front door has been tampered with? What if we go inside and find that someone ransacked the place? The answer is to get out, go to any nearby telephone and call the police.
83. If you can't get out, try to signal a neighbour, throw one of your shoes through a window; just the noise may frighten a burglar away.
84. If someone is prowling outside your house, make him think that several people are at home. Call to your husband. "Dear, there's someone outside". Call the police. If it is dark, be sure that lights are on in several rooms.
85. If he has already broken in, retreat into your home - put other doors between the two of you.
86. Memorize a description of the intruder. When he has left, write it down as soon as you have called the police. Don't rely on memory.

-7-

87. If you find any evidence that someone has entered your home or apartment, report it even if nothing has been taken. Illegal entry is a crime
88. Never knowingly buy stolen property (when the price is ridiculously low, when a stranger is selling it at your door, on a corner, etc., it is almost certainly stolen); report it to the police.
89. Do not fight an attempting mugger if you know that he is armed - he will very likely use the weapon on you if he feels endangered.
90. If you have been overpowered by an armed attacker determined on rape, remember that in a rage he may kill you if you refuse to submit.
91. If he is armed, do what he says. If you have children, be sure that they do as he says as well. Remain calm - he wants you rather than your life.
92. Remember that only about 3 percent of all burglars will enter a home when they believe that people are there; it may, therefore, never happen to you. Should you confront one, however, the very first rule is: Stay out of the way. Never get between a burglar and the exit, and never try to stop him from leaving.

Preventing Sexual Assault

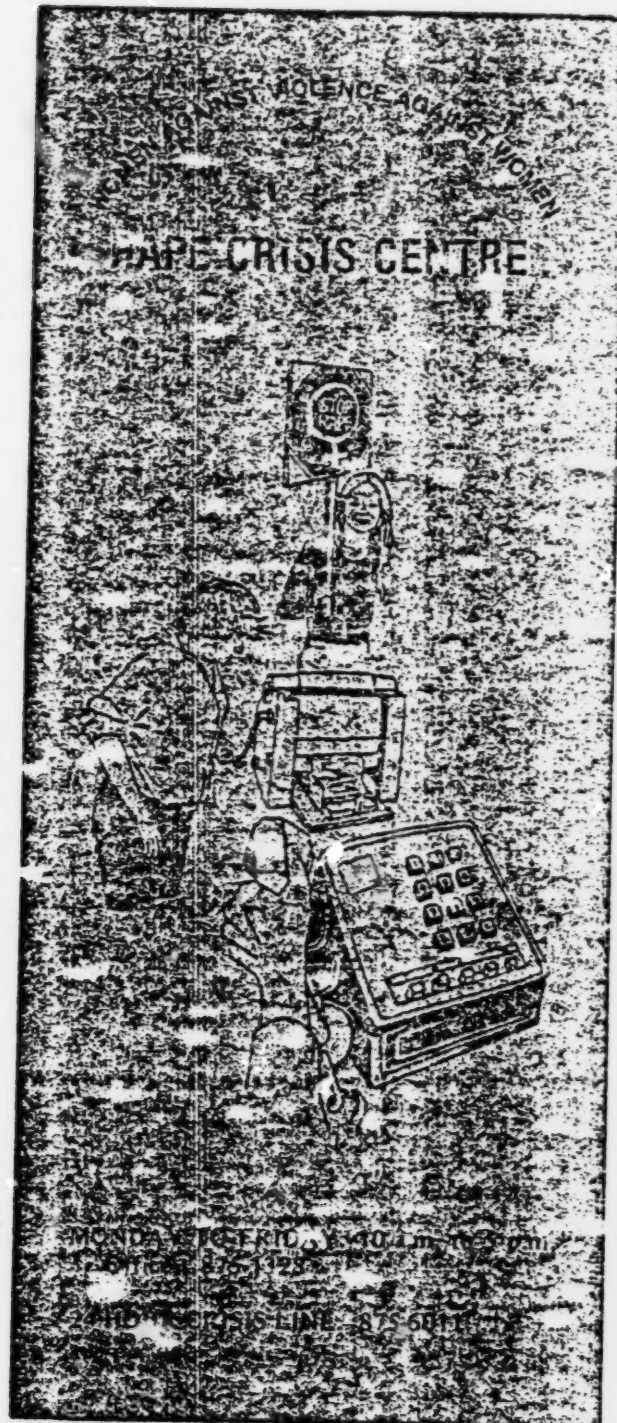


Sponsored by your local police

Woman alone



**Working Together
To Prevent Crime**





WEN-DO

WOMEN'S SELF DEFENSE

Self defense is *protecting* yourself from attacks that are dangerous to your health and well being. When it comes to an attack, you have two basic choices.

1. Defend yourself. This can be as non-aggressive as running away and therefore avoiding the confrontation or direct action against your attacker, such as punching or kicking.
 2. Do nothing. You may still end up severely damaged or dead, but this choice requires no action on your part. Remember, to take no action is still a decision made by you.
-

V·I·S·A·C·S·

Vancouver Incest
and Sexual Abuse Centre
Society

1625 West 8th Avenue
Vancouver, B.C., V6J 1T9

738-3512

Streetproof your Children: Helpful Rules to Keep Young People Safe

- Ten percent of Canadian families will be confronted by sexual abuse.
- One out of every three females will be sexually molested before age eighteen.
- One out of every ten boys will be sexually molested before age eighteen.
- More than 85% of abusers are known to the victim.

Most parents want to educate their children about sexual abuse, but they don't know how. These guidelines will help parents to teach their children how to keep safe. Remember, you can't tell a child too much; knowledge doesn't stimulate inappropriate behavior — ignorance does. Parents who talk openly with their children will be "askable" parents, and children will feel free to bring their worries and concerns to them in the future.

1 An unattended child is a child at risk. Arrange with your child an alternative place to wait if you are delayed, especially in the darker winter evenings. Suggest a well-lit store or inside an arena or school.

2 Always, where possible, have children walk in pairs or groups.

3 Children should always travel the same way home.

4 Use a secret family code. Children should never go with anyone, not even a close family friend, unless they are able to give the child the code. Once the code has been used, it should be changed.

5 Don't allow your young child to go to a public washroom unattended.

6 Check your babysitter's credentials thoroughly. In your absence, they are guardians of a priceless treasure.

7 Tell your child it is not rude to ignore an adult who is asking directions on the street. Another adult could be asked for more accurate directions.

8 Tackle the subject of sexual abuse prevention with the same honest, matter-of-fact manner you would attach to road safety. Remember, the only time a child will ask you about sexual abuse is after it has happened. Open the subject and your child will remember that you are askable.

9 Introduce your child to the "Hot and Cold" game. Describe a situation which is "cool" — "imagine you are walking home from a friend's house..." then make it "tepid" — "you hear footsteps and think someone is following you..." Request the child to make the situation "cool" again and suggest that it would be appropriate to cross the street. Now make the situation warmer by indicating that the footsteps also have crossed the street. Suggest that the child cross back again, and explain that if the footsteps cross the street for a second time, then the situation is "hot". Ask for ways to "cool" down the situation. You might help with ideas such as going into a lighted store, going into a neighbour's house, looking quickly for a Block Parent, or because it is a "hot" situation, they might yell "fire" which will bring a quicker response than "help".

10 Discuss with your child the difference between fact and fancy, fact and fiction so that they may understand the nature of taking an oath. (This may be necessary for a court appearance.)

11 If you suspect that an abuse has taken place:

- DO encourage the child to talk about it.
- DO establish in the child's mind that he/she is not to blame.
- DO NOT correct the child's story; listen to the original words, even those which are babyish or family words.
- DO NOT suggest or modify what the child is trying to say. Your ideas might confuse the truth.
- DO NOT SHOW horror or anger; however if caught by surprise and unable to control your emotions, be clear that your anger is meant for the offender, not the child.

12 When you are aware of an incident of sexual abuse, call the police or the child welfare authorities immediately. Ensure that a social worker, a police officer and someone supportive to the child is present when the evidence is given.

This leaflet is a co-production of
Vis-à-vis
National Clearinghouse on
Family Violence
Health and Welfare Canada
K1A 1B5

Citizens Concerned with
Crime Against Children
Box 1715, Station "C"
Kitchener, Ontario
or
Box 1737, Station "A"
London, Ontario N6A 5H9

Child Abuse/Neglect **The Helpline for Children**



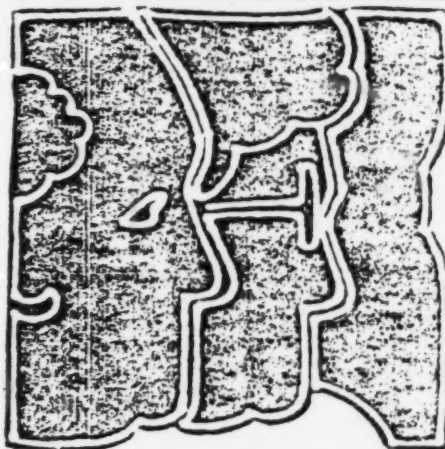
**Province of
British Columbia**

Ministry of Human Resources

HONOURABLE GRACE McCARTHY, MINISTER



Protection for Senior Citizens

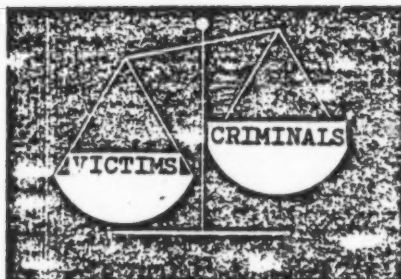


Working Together
To Prevent Crime

CRISIS INTERVENTION
and
Suicide Prevention Centre
For Greater Vancouver
1946 West Broadway, Vancouver
V6T 1Z2
Distress Line • Business Line
733-4111 733-1171

Available after hours: 9pm - 6am. CONTACT MADE THROUGH THE CENTRE

VICTIMS OF VIOLENCE



Mediation

WESTCOAST MEDIATION CENTRE FOR
DISPUTE RESOLUTION in the
Fairfax Creek/Fairview Slopes
Community



FREE HELP for resolving
neighbourhood and family conflicts

Phone 688-9478

S. A. F. E. R.

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VANCOUVER, B.C. V5V 4G6

OFFICE HOURS

WEEKDAYS:

9:00 A.M. TO NOON

1:00 P.M. TO 4:00 P.M.

AFTER SUICIDE

A PROGRAM FOR THOSE
BEREAVING A SUICIDE DEATH

SAFER

A Counseling Service

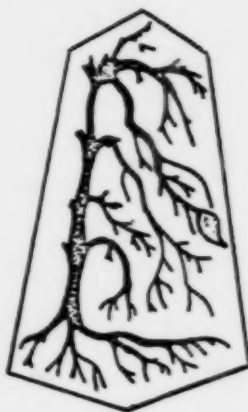
of the

Greater Vancouver

Mental Health Service

L.I.F.E. RESOURCE CENTRE
(Living is For Everyone)

Help and Information for
those suffering the loss
of a wife or husband



101 - 395 W. Broadway,
Vancouver, B.C.
V5Y 1A7

Phone: 873-5013

Hours: 9 a.m. - 3 p.m. Weekdays
Except Wednesdays

Executive Director
Elsie Palmer



HEALING GRIEF



**“Is there
anything
I can do
to help?”**

Suggestions
for the Friends and Relatives
of the Grieving Survivor

COPING WITH BEREAVEMENT

A RESOURCE LIST FOR
THE VANCOUVER AREA

Bereavement is a major life crisis. The loss of someone close is life's most stressful event. Few people are able to cope alone with the pain of bereavement and there is no shame in needing help. If you are learning to cope with bereavement, the following resources may prove helpful.

Prepared by:

CANADIAN MENTAL HEALTH ASSOCIATION

VANCOUVER-BURNABY BRANCH
#202 - 1053 Kingsway
Vancouver, B.C. V5V 3C7
(604) 272 - 9261

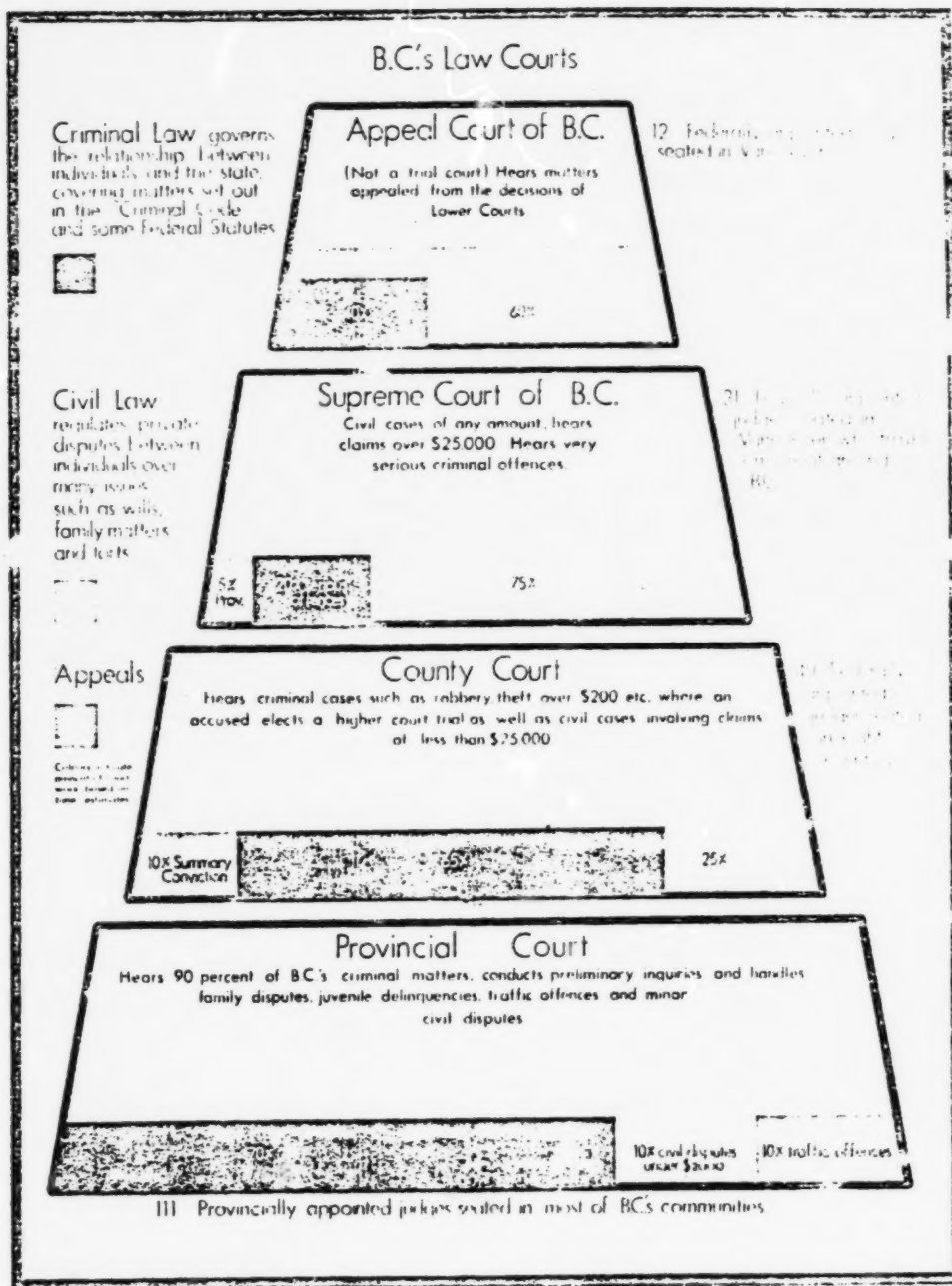
SO,
YOU'RE
GOING
TO BE
A WITNESS...



Province of
British Columbia

Ministry of the
Attorney General
COURTS SERVICES DIVISION

IX. Overview of the Legal Process



Note: The following information has been obtained from B.C.'s Legal System: A Guide to the Wall Charts by R.G. Craig and R.J. Noonan.

Chart 1

B.C.'s Law Courts

This chart shows the basic structure of the court system of British Columbia.

Provincial Court

The first level of our court structure is Provincial Court. It was established in 1969 by the B.C. legislature and is divided into four divisions: criminal, traffic, family, and small claims. The number of provincial court judges changes frequently. As of mid-1980, this court consisted of 111 provincially-appointed judges who reside in most of B.C.'s communities.

Criminal Division

Almost all criminal matters start at the Criminal Division of Provincial Court. Thus, criminal matters such as summary trials, some trials of indictable offences, preliminary hearings, etc., occupy about 70 per cent of Provincial Court's time and represent about 90 per cent of the criminal matters heard by B.C.'s law courts. The remaining 30 per cent of Provincial Court time is fairly evenly divided between family and juvenile matters, small claims disputes (civil disputes involving sums of less than \$2000), and traffic offences.

Family Division

The Family Division of Provincial Court hears certain matters of dispute between family members (e.g. maintenance). Offences committed by persons under the age of 17 (juvenile delinquencies) are also heard by this division. The approximate percentage of court time devoted to family and juvenile matters is shown on the chart and is coloured purple. Some of these matters are civil in nature and some are criminal.

Traffic Division

Persons disputing speeding tickets, parking violations and other minor offences also come to Provincial Court. Because these offences cannot easily be defined as either criminal or civil in nature, the percentage of time devoted to this work has been coloured green.

Small Claims Division

Small Claims Court is a civil court which hears disputes involving \$2,000 or less. It is much more informal than the higher courts because it is expected that litigants will represent themselves rather than hire a lawyer.

COUNTY COURT

B.C.'s County Courts were created in 1859. As in Provincial Court, the majority of County Court work (approximately 65%) involves criminal matters. The remainder of a County Court judge's time is divided between hearing civil cases where claims are \$25,000 or less (with a few exceptions) and hearing appeals of summary conviction offences which were tried in Provincial Court. There are 40 County Court judges throughout the province. They are appointed federally, and they reside in eight judicial counties: Cariboo, Kootenay, Nanaimo, New Westminster, Prince Rupert, Vancouver, Victoria, and Yale. A County Court judge, like a Provincial Court judge, is addressed as "Your Honour" in court, and is referred to as "Judge _____".

SUPREME COURT OF B.C.

The highest trial court in the province is the Supreme Court of B.C. It consists of 31 federally appointed judges, 30 of whom reside in Vancouver and one in Victoria. These judges travel around the province "on circuit" so that Supreme Court cases can be heard in smaller centres. About 75 per cent of the Supreme Court's work involves civil matters. The Supreme Court, because of its inherent jurisdiction, may hear *civil cases of any amount* and almost always hears cases with claims exceeding \$25,000. This court also hears *serious criminal matters* such as murders, most rape cases, etc., and these matters occupy about 20 per cent of Supreme Court time. The remainder of its time is devoted to hearing appeals from Provincial Court involving family matters, juvenile delinquencies, etc. The Supreme Court of B.C. was established in 1859. Its judges are addressed as "My Lord" or "My Lady" in court, and are referred to as "Mr. Justice" or "Madam Justice".

APPEAL COURT OF B.C.

The Appeal Court of B.C., established in 1909, is the highest court in the province. It is not called a trial court as its function is to hear appeals from B.C.'s three trial courts. In 1979 the majority of appeals heard involved civil disputes (60%), while criminal appeals accounted for most of the remaining work. The court consists of 12

federally appointed judges who sit in Vancouver and Victoria. The Chief Justice of the Appeal Court, by virtue of being head of B.C.'s highest court, is also the Chief Justice of British Columbia. Appeal Court judges are addressed in the same manner as Supreme Court judges.

* * * * *

Note that the number of judges of each court is determined by legislation. This legislation has been amended regularly to allow for more judges. Therefore, the number of judges shown on the chart could change from time to time. In addition, the amounts of money which Small Claims Court and County Courts may deal with has been amended upward over the years. These amounts are also subject to further change.

Activity Sheet

219

B.C.'s Law Courts

Objectives: Students will acquire an understanding of:

- 1) the structure of B.C.'s court system.
- 2) the basic functions of each court level in B.C. and the amount of time devoted to criminal, civil and other matters.
- 3) the approximate number of judges in B.C., where they reside and who appoints them.

Terms to know:

- | | |
|---------------------|--------------------------|
| 1) Appeal | 6) Supreme Court of B.C. |
| 2) Criminal law | 7) Appeal Court of B.C. |
| 3) Civil law | 8) Small Claims Court |
| 4) Provincial Court | 9) Summary convictions |
| 5) County Court | 10) Torts |

Questions:

1. How many court levels are there in B.C.?
2. What are the various levels called?
3. What types of criminal and civil matters are heard by each of them?
4. Which court hears the majority of criminal matters in B.C.?
5. Which court hears the most serious criminal matters?
6. Which court hears civil disputes which involve a large amount of money?
7. Which court hears civil disputes which involve a small amount of money?
8. Which court hears traffic offences? . . . Juvenile delinquencies?
9. Which court has the most judges? Which court has the least? Which court has judges who travel on circuit around the province? Where do the judges of the various court levels reside?
10. Who appoints the judges of the various courts?

Research questions:

1. Why do Supreme Court judges travel on circuit around B.C.?
2. All appeals are not heard by the Appeal Court of B.C. Would it be practical to direct all appeals to the Appeal Court of B.C.?
3. What kind of appeals are heard by County Court? . . . by Supreme Court of B.C.?
4. Why are traffic offences, family and juvenile matters not coloured in red (for criminal law) or blue (for civil law)? Why have they been given their own colours?
5. Some judges are appointed by the federal government and some judges are appointed by the provincial government. What are the legal reasons for this?

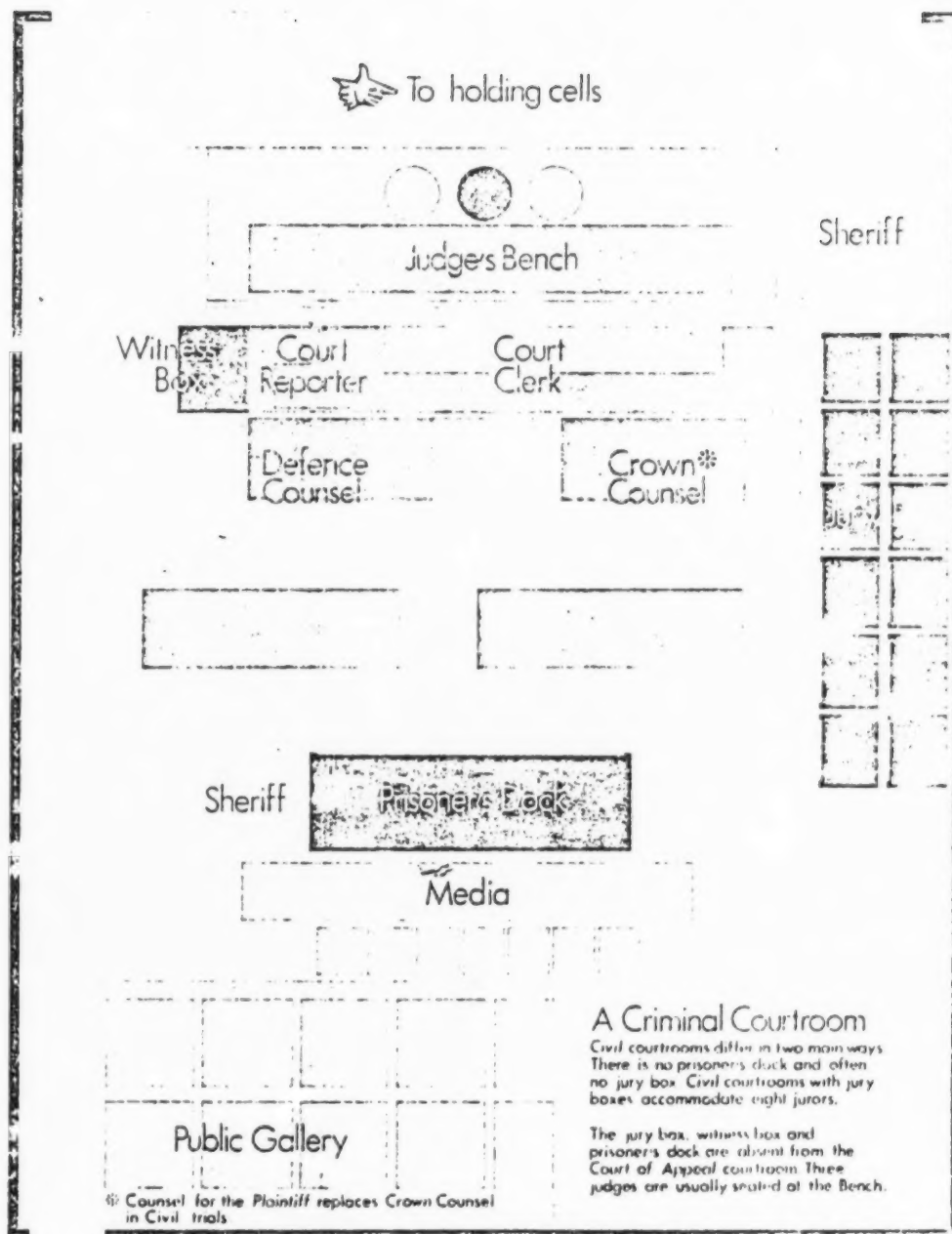


Chart 2

A Criminal Courtroom

This chart shows the basic layout of a *criminal courtroom* in the new Vancouver Law Courts. This layout may differ slightly from the structure of a criminal courtroom in the courthouse near you. Regardless, the working stations of the court personnel identified in this chart will be present in every criminal courtroom.

In addition, this chart has been designed to show the basic differences between criminal, civil, and appeal courtrooms. *Civil courtrooms* differ from criminal courtrooms in two main ways: there is no prisoner's dock and often no jury box in a civil courtroom. Civil courtrooms with jury boxes accommodate only eight jurors. Counsel for the plaintiff replaces Crown Counsel and sheriffs are usually not present during a civil trial.

Appeal courtrooms differ from criminal courtrooms in five main ways. The jury box, witness box, and prisoner's dock are absent from an appeal courtroom. In addition, three judges (or sometimes five) are seated at the bench. Sheriffs are usually absent from appeals as well.

Definitions:

Court Clerks—officers of the court whose responsibilities include keeping a complete record of court proceedings (minutes), preparing legal documents, swearing in witnesses, and ensuring the care and safe transport of exhibits.

Court Reporters—(in B.C.'s Superior Courts only) Highly trained "shorthand writers" who record verbatim all the proceedings of a trial, an examination for discovery, Royal Commissions, etc. They are also responsible for producing transcripts.

Court Recorders—(in Provincial Court only) perform similar functions to Court Reporters. Record with a tape recorder the proceedings of a trial, preliminary hearing, etc. They are also responsible for producing transcripts.

Sheriffs—legal officers of the court whose responsibilities include transporting prisoners to and from court, serving legal documents (both civil and criminal), and carrying out orders of the court regarding evictions, repossessions, seizures, and sale of property. In addition, Sheriffs' Services are responsible for jury and witness administration and security of the court.

Objectives:

Students will acquire an understanding of:

- 1) the structure of a criminal courtroom.
- 2) the various court personnel and their roles.
- 3) the difference between a criminal courtroom, civil courtroom and appeal courtroom.

Terms to Know:

- | | |
|-------------------|------------------|
| 1) Judge | 6) Court clerk |
| 2) Sheriff | 7) Crown Counsel |
| 3) Witness | 8) Plaintiff |
| 4) Court reporter | 9) Jury |
| 5) Court recorder | 10) Transcript |

Questions:

1. What does a court reporter do? Why is the court reporter seated by the witness box? Why is it necessary to have someone perform this function when court is in session? What is the difference between a court reporter and a court recorder?
2. What does a court clerk do during a trial? What other responsibilities does a court clerk have?
3. What is a sheriff? Why is a sheriff always seated beside the prisoner's dock? Why is a sheriff seated by the jury?
4. Why is the prosecuting lawyer in a criminal case called the Crown Counsel?
5. Is there a Crown Counsel in a civil case? Why?
6. The prisoner's dock is absent in a civil courtroom. Why?
7. How many jurors are there in a criminal jury trial? . . . civil jury trial?
8. How many judges are seated at the judges' bench during an appeal in the Appeal Court of B.C.?
9. Why are the prisoner's dock and the witness box absent from an appeal courtroom?

Research Questions:

1. What is the correct way of addressing a County Court judge during a trial? . . . a Supreme Court judge?
2. How many jurors in a criminal jury must agree on a guilty verdict before that verdict will be accepted by the court? How many must agree on a not guilty verdict?
3. How many jurors must agree on a decision in a civil trial for that decision to be accepted by the court?
4. Unlike trials, appeal actions do not usually involve witnesses. How, then, are appeals conducted?

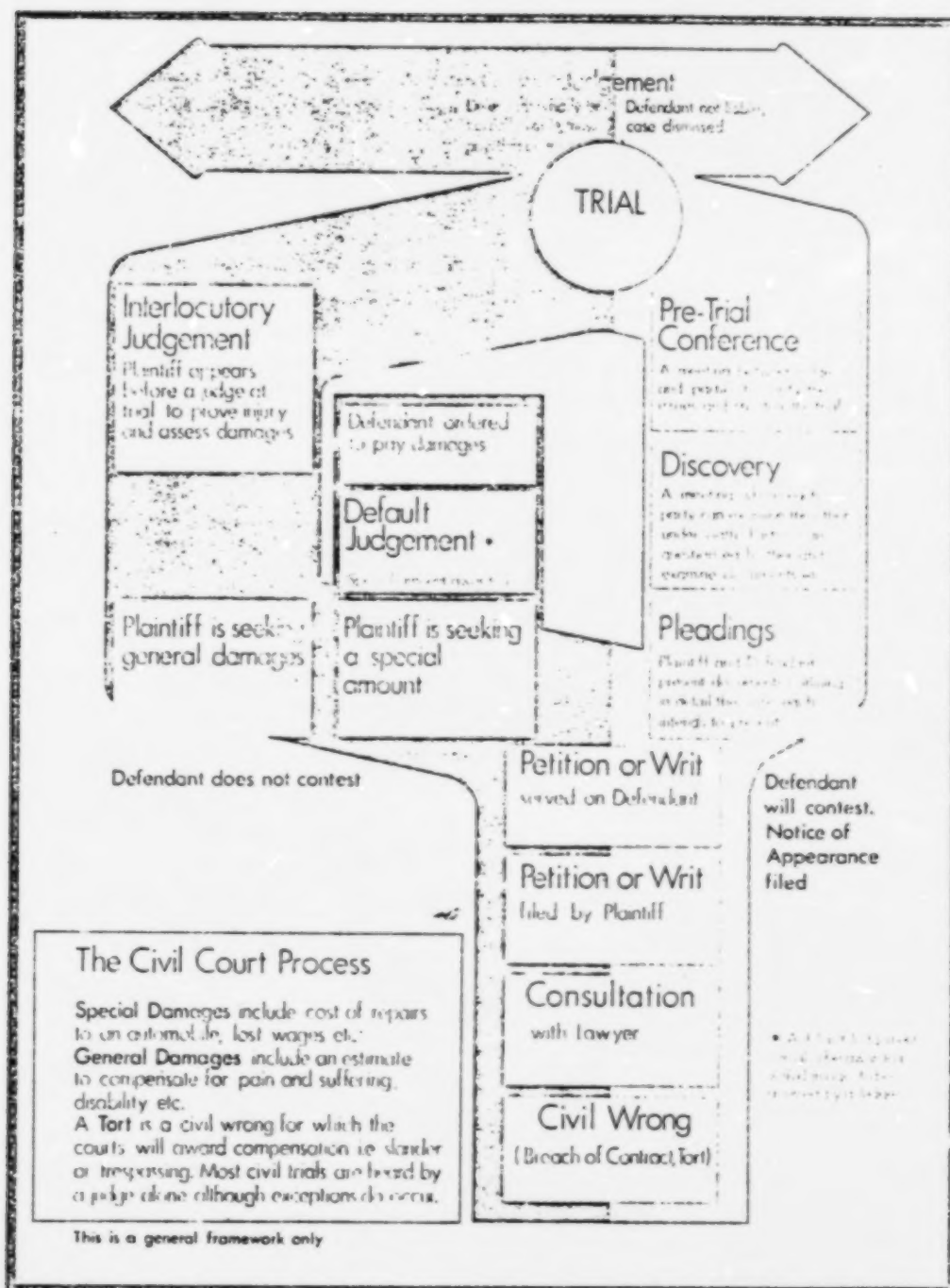


Chart 3

The Civil Court Process

A comprehensive understanding of the process of a civil action is difficult to acquire. Civil procedures are not rigidly fixed. Many of the steps in an action may be by-passed if they are not considered to be necessary. This chart illustrates the basic procedures which occur when a *defendant* decides to contest or not contest a civil action.

When a civil dispute occurs, the party initiating the action—the plaintiff—usually consults a lawyer. Together, the plaintiff and the lawyer assess the grounds for legal action and discuss the possibility of settling the dispute without resorting to court action.

Writ of Summons

If a dispute cannot be settled out of court, the plaintiff, usually through a lawyer, initiates civil proceedings by drafting a “writ of summons”, a “petition” (in divorce cases), or a “petition to the court” (e.g. foreclosures). This document is then filed with a court registry for a fee and then served, usually by a sheriff (again for a fee), on the defendant. The writ briefly states the claim against the defendant by the plaintiff and indicates that the defendant may enter an *appearance* within seven days.

If the defendant intends to contest the plaintiff’s action, the defendant must enter an “appearance” document at the court registry. Once the appearance has been filed, the plaintiff must supply the defendant with a full “*Statement of Claim*” detailing the claim and describing the amount sought in compensation if any has been determined.

The defendant, usually working with a lawyer, replies to this by producing a “*Statement of Defence*”, a document which sets out the defendant’s position on the claim. At this point the defendant may also choose to file a counter-claim against the plaintiff.

Many civil actions do not go beyond this exchange of documents (pleadings). Often the statements of claim and defence reveal most of the strengths and weaknesses on both sides of the dispute. The party with the weaker case may then decide to settle the claim in some way.

Pre-Trial

If a court case is necessary, either party may arrange for a pre-trial session known as an “examination for discovery”. During this meeting each party can examine the other under oath before a court

reporter and preview documentary evidence that will be presented by the other party. By now the issues involved should be clear and the case should be ready for trial. If this is not so, the court may order a meeting between the judge and the parties involved to further clarify the issues and hopefully shorten the time needed for trial.

Most civil litigation is resolved before reaching the trial stage. If a dispute is still not resolved by this stage, then it proceeds to trial. Civil trials are usually heard by a judge alone although it is possible for some cases to be tried by a judge and jury if one of the parties so desires. Many claims for personal injury are tried before a judge and jury.

No Contest

If the plaintiff has not received notice that the defendant has filed an appearance within the seven days allotted for response, the plaintiff makes an application for judgement. The plaintiff files in the court registry a *praecipe* asking the registry to make a search to see if the defendant has filed an appearance. In addition, the plaintiff files an "application for a default judgement", an "affidavit of service" which ensures that the writ or petition was served on the defendant, and a "bill of costs", an itemized listing of the costs incurred by the plaintiff in initiating the action. The "bill of costs" usually contains only sheriff's fees, registry fees, etc., arising out of the action.

If the defendant has not filed an appearance and the plaintiff is seeking "special damages",¹ the registrar of the court usually issues a "default judgement". Sometimes, however, especially if the registrar questions the compensation for wages asked or some other part of the claim, the registrar awards the judgement with damages to be assessed by a judge.

If the plaintiff is claiming general damages,² the registrar will award an interlocutory or interim judgement instead of a "default judgement". In effect, this judgement says that the defendant is liable for the damages, but the exact amount of the damages must be determined by a judge. This process then culminates in a short trial or meeting with a judge in chambers where the plaintiff tries to prove injury and have damages assessed. A final judgement listing the exact amount of damages owed to the plaintiff is then awarded by the judge.

APPEALS

Either party dissatisfied with the judgement generally has the right of appeal to a higher court.

Note: Civil litigation in Provincial Court for Small Claims cases follows a similar but simpler pattern.

¹Special Damages—include cost of repairs to an automobile, lost wages, etc. They are specific verifiable financial or property losses.

²General Damages—include compensation for pain and suffering, disability, etc., the value of which is discretionary and is decided by a judge or jury.

Activity Sheet

227

Objectives: Students will acquire an understanding of:

- 1) the procedure for initiating and conducting a civil action.
- 2) the civil court process which results when a defendant decides to contest an action.
- 3) the civil court process which results when a defendant chooses not to contest an action.
- 4) the difference between general and special damages.

Terms to know:

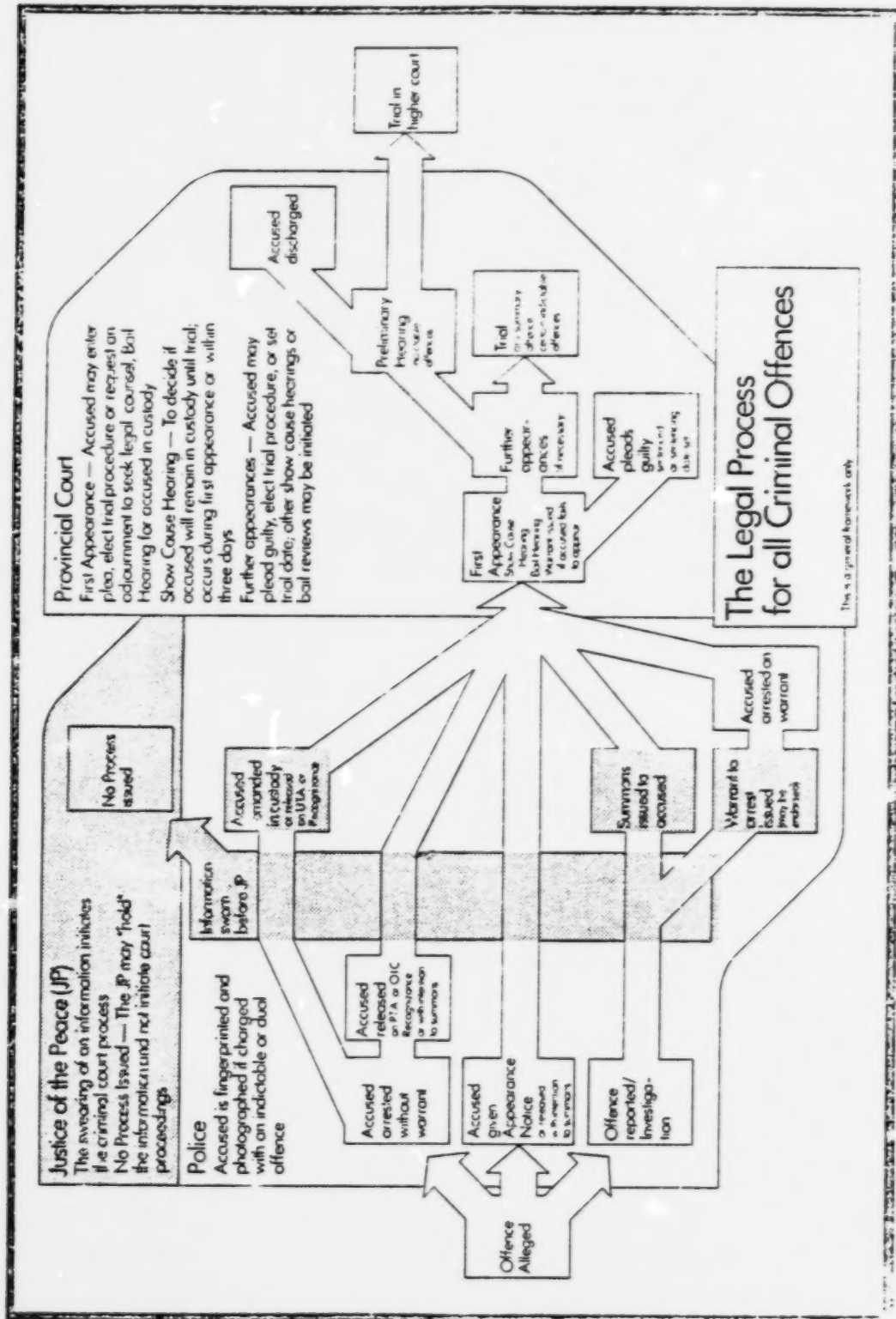
- | | |
|--------------------|---------------------------------------|
| 1) Civil law | 7) Discovery |
| 2) Tort | 8) Default judgement |
| 3) Special damages | 9) Interlocutory or interim judgement |
| 4) General damages | 10) Petitions |
| 5) Writ | 11) Plaintiff |
| 6) Pleadings | 12) Defendant |

Questions:

1. Not all civil disputes go to trial. Why? What types of disputes or grievances would you expect to go to trial?
2. What is a "writ of summons"? Where is it filed?
3. What is a petition? Where is it filed?
4. Who serves a petition or a writ on the defendant? If you received a writ of summons, what would it tell you?
5. What are pleadings? Why are they necessary?
6. What is an examination for discovery? Why is it necessary to have this meeting before the case goes to trial? Why are people placed under oath when they give information at a discovery?
7. What is a pre-trial conference? Why is this sometimes necessary?
8. In a civil case, what is the plaintiff trying to prove? What is the defendant trying to prove? What is the role of the judge (or a jury in some cases) in a civil trial?
9. What are special damages? ... general damages? Can you think of a situation where the plaintiff might be seeking both?

Research Questions:

1. In a civil trial who decides whether a case will be tried by a judge alone or a judge and jury? What considerations might go into this decision?
2. Why do you think that there is a separate court to hear small claims? What is different about this court from the higher courts?
3. Why is it that following through a civil action against someone may not be worth it, even if the plaintiff has a very legitimate complaint?



Legal Process for Criminal Offences

This chart shows the different ways by which a person charged with a criminal offence may be brought to trial.

The criminal court process is both rigid and flexible. Every case must follow a formally prescribed procedure. Yet while there are specific steps through which a case must progress, a great deal of variation in the sequence of these steps takes place. For example, a person may change a plea of not guilty at any point up to the time when a judgement is handed down. In addition, bail may be granted at any of several steps along the way.

Given the degree of variation, this chart must be viewed as a very basic guide to an understanding of the legal process for criminal offences.

Arrest to First Appearance

Several different methods can be used to bring an accused person to trial:

1) **Appearance Notice**—When arrested, an accused person is often released by a police officer who issues an *appearance notice*. This notice is usually issued when the accused is suspected of having committed a less serious offence. This may include any *summary offence*,¹ *dual offences*,² or *indictable offences*³ which fall under the *exclusive jurisdiction of Provincial Court*.⁴ An appearance notice directs an accused to appear in court on a specific day at a set time. To lay an information and have the Appearance Notice confirmed, a police officer must appear before a *Justice of the Peace (JP)*. A Justice of the Peace is a judicial officer who performs most of the judicial acts necessary to begin court actions. In some instances, where authorized by a judge, a JP can act as a judge.

A failure by the accused to appear in court after the appearance notice has been given may result in the issuing of a warrant by a Provincial Court judge.

The swearing of an information initiates the criminal court process. Typically, this means that a police officer swears an *affidavit*. An affidavit is a written statement of fact, signed and sworn to before a person who has the authority to administer an oath. In the affidavit, the police officer gives the name of the accused person and makes a precise statement of the charge(s) involved. The JP must then confirm the process.

The JP must accept any information which charges the accused with having committed an indictable offence. However, if the JP is not satisfied that there are reasonable and probable grounds to believe that the accused person is the person who committed the offence, or if the information is incomplete, or if the issue involved is so trivial as to not warrant a criminal charge, the JP may 'hold' the information and not initiate court proceedings.

If the appearance notice is confirmed by the JP, the accused person must make a first appearance in court before a judge. If it is not confirmed, the charges are not proceeded with and no further action is taken.

The police officer can also release an accused person with the intention of obtaining a *summons* from a JP which would require the accused to appear in court on a specific date, at a set time. Once issued, the summons is usually mailed to an accused person or served on him or her by an officer of the court (i.e. a sheriff).

2) **P.T.A. or O.I.C. Recognizance**—If a police officer has reason to believe that releasing an accused person is not in the best interests of the public, then the officer may take the accused person to the police station. This usually occurs when the officer needs to establish the identity of the accused, obtain and secure evidence, or prevent an accused from continuing or repeating the act for which he or she is charged (e.g., impaired driving). The officer may also detain the accused if reasonable grounds exist to believe that the person will not appear for trial.

An accused person in custody at a police station may be released by the duty Officer In Charge (O.I.C.) of the station. The duty officer may issue a *Promise to Appear (P.T.A.)*—in Vancouver, 90% of the P.T.A.'s issued are for driving offences—or an Officer in Charge Recognizance, *O.I.C. Recognizance*, under which an accused person may be required to deposit up to \$500 prior to release. The deposit is refunded at the conclusion of the case. The duty officer may also refuse to release the detained person, using the same grounds as the arresting police officer. If released by the duty officer, the accused usually does not appear before the JP. However, the arresting officer will appear before the JP to lay an information and have the process confirmed. If the accused has not been released by the duty officer he or she can be released by the JP after the JP has accepted an information by getting the accused to sign an *Undertaking to Appear (U.T.A.)* in court on a specific day at a set time.

3) **Summons or Warrant**—In many cases the police have no suspects in mind when an alleged offence is first reported. Later, after investigation, the police may initiate the process by laying an

information with a JP who will then either issue a summons ordering the accused to appear in court on a specific date, or issue a warrant to arrest the accused.

A warrant is issued when the JP believes that an accused will fail to attend court, when a warrant already exists for the accused on a different charge, or when the JP believes that releasing the accused would not be in the best interests of the public. If an accused is not released, he or she must be brought before a court within 24 hours or as soon as possible.

The warrant which the Justice of the Peace issues to detain the accused may be either "endorsed" or "not endorsed". If the JP decides to issue an *endorsed warrant*, the JP authorizes the O.I.C. to release the accused at any point before his or her "first appearance". If the warrant is "not endorsed", then the accused must be held in custody until the first appearance takes place.

Fingerprinting and Photographing

In B.C. an accused person may be fingerprinted and photographed only if charged with an indictable offence. Persons charged with summary offences are not required to undergo this process. When the charge involved is a dual offence (that is, it may be proceeded with by indictment or as a summary conviction offence, depending on the option of the Crown), then the police normally proceed to fingerprint and photograph the accused.

First Appearance

The first appearance in court of an accused is before a Provincial Court judge. During this appearance the sworn information is presented to the court and the charge(s) contained in the information are read to the accused. The accused is asked to enter a plea or, when applicable, "elect" a trial procedure. If the accused does not have counsel, the election or plea may be delayed and the judge may adjourn the case, usually for one week, to allow the accused to obtain a lawyer.

If the accused is in custody, the pre-trial release of the accused will be discussed at the first appearance. The accused will either be released through some sort of bail arrangement, or the accused will remain in custody if the prosecution can "show cause" warranting detention. During a '*show cause*' hearing, the Crown must present a convincing argument to the judge as to why the accused should not be released. (In areas of the province where court sits less often and judges are not always available, a show cause hearing may be conducted by a JP). The Crown may also request that this show cause

hearing not occur during the first appearance and that it be given an extension of three days to show cause, during which time the accused remains in custody. (This may happen, for example, when the Crown is waiting for a printout of the accused's record to arrive from Ottawa, or for some other good reason.)

If the accused pleads guilty, sentencing may take place during the first appearance, or a date will be set for sentencing. If the accused pleads not guilty to a non-electable offence, a date will be set for trial. If the alleged offence is electable, however, the election may take place at the first appearance, while the plea may be entered later.

If an accused has requested an adjournment to seek legal counsel or is requesting that a bail order be varied, he or she may be required to make a second or third appearance in Provincial Court. During one of these appearances the accused will make an election (if applicable), enter a plea (if applicable), and set a date for the trial or preliminary hearing.

A person held in custody awaiting a preliminary hearing or trial has the right to appear before a judge every eight days. During these appearances the judge will review the progress of the case to ensure that the trial is not being needlessly delayed. These appearances may be waived by the accused.

Preliminary Hearing

A person charged with certain indictable offences (such as obstructing a police officer or bookmaking) or any summary offence, does not have the right to an election. After entering a plea, the case proceeds to trial by Provincial Court judge.

When an accused is charged with an indictable offence which is not under the exclusive jurisdiction of the Provincial Court (see section 483 of the Criminal Code), and when the person elects to be tried by a superior court judge or judge and jury, a preliminary inquiry is held. A preliminary inquiry is similar to a trial. The Crown presents the basic elements of its case against the accused and tries to establish that it has sufficient evidence against the accused to warrant a trial in a higher court. During the preliminary hearing, the judge does not try to decide the guilt or innocence of the accused, only whether there is evidence to warrant trial. If the judge is not satisfied that the Crown has sufficient evidence, the accused is discharged. If the accused is committed for trial in higher court, the accused is ordered to appear at a certain date at the higher court to fix a date for trial. This process culminates in a trial before a judge, or judge and jury, in the County or Supreme Courts of B.C.

Direct Indictment

Under certain exceptional circumstances the Crown may proceed in a very serious matter by way of *direct indictment*. In these cases all appearances will be made in the Supreme Court of British Columbia. See Criminal Trial Procedures Chart on p. 24.

¹ *Summary Offence*—a less serious criminal offence. Maximum penalty in most cases upon conviction is six months in prison or a \$500 fine or both.

² *Dual Offence*—a criminal offence which may be proceeded with as either a summary or indictable matter. This decision is made by Crown counsel and depends on the severity of the offence.

³ *Indictable Offence*—a more serious criminal offence. May result in more than six months in prison.

⁴ *Exclusive jurisdiction of Provincial Court*—Section 483 of the Canadian Criminal Code gives Provincial Court the right to hear certain criminal offences.

Activity Sheet

Objectives: Students will acquire an understanding of:

- 1) the different methods by which an accused can be brought to trial.
- 2) the basic role of the police and the Justice of the Peace in bringing an accused to trial.
- 3) the role of a Provincial Court judge in the trial process.

Terms to Know:

- | | |
|---|------------------------------------|
| 1) Appearance notice | 7) Affidavit |
| 2) Summary Offence | 8) Promise to Appear (P.T.A.) |
| 3) Dual Offence | 9) O.I.C. Recognizance |
| 4) Indictable Offence | 11) Endorsed Warrant |
| 5) Exclusive jurisdiction of Provincial Court | 12) Undertaking to Appear (U.T.A.) |
| 6) Justice of the Peace | 13) Show Cause hearing |

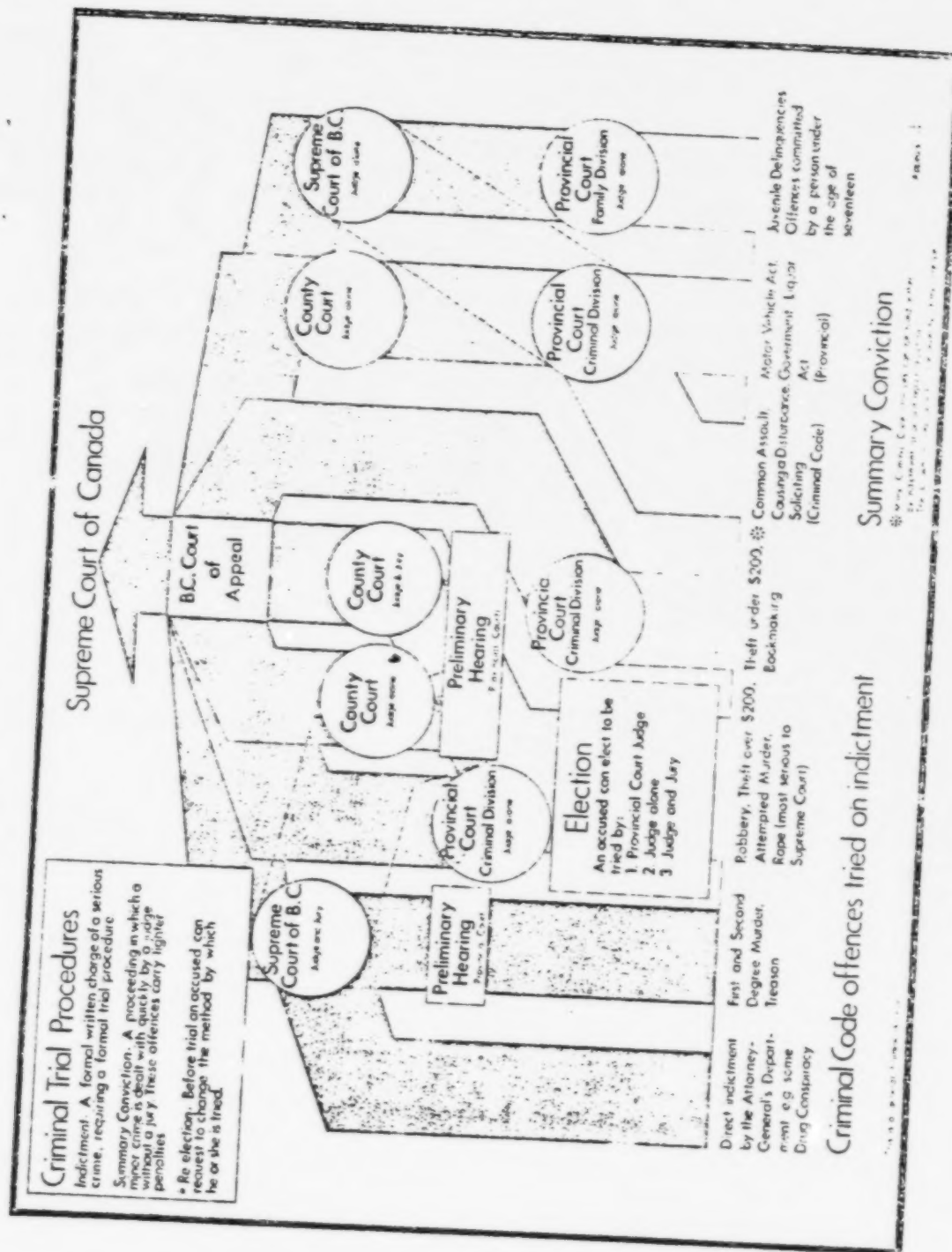
Questions:

1. What are the basic ways by which an accused can be brought to trial?
2. What is an Appearance Notice? For what types of offences would a police officer give an accused an appearance notice?
3. What is an information?
4. What is a Justice of the Peace?
5. Can a JP refuse to accept an information? Can a JP refuse to act on an information?
6. Why might a police officer refuse to release an accused on a P.T.A.?
7. What is a U.T.A.? When is it used, and by whom?
8. For what reasons would a JP issue a warrant?
9. What is a First Appearance?
10. What is a "show cause" hearing? Why does it usually happen during a first appearance?
11. Why might an accused have "further appearances" in court before deciding how to plead?
12. What is a preliminary hearing? When is it necessary?

Research Questions:

1. When an accused is charged with an indictable offence, what are the advantages for the accused in having a preliminary hearing?
2. What legislation empowers the various authorities (police, Justices of the Peace, Provincial Court judges, etc.) to carry out their legal functions in criminal matters?

3. Explain the process which would occur if you were the victim of an assault and you wanted to "press charges" on the person who assaulted you.
4. If the accused pleads guilty, why might a judge postpone sentencing to a later date instead of sentencing during first appearance?



Criminal Trial Procedures

Criminal trial procedures are not simple to understand. A great deal of variation exists in the way that a particular legal action might be conducted. This variation results, in part, from the nature of the crime committed, the charge, the election (or re-election) of the accused, and who the defence and Crown counsels are. This chart shows some of the ways a charge might be dealt with.

Juvenile Delinquencies

Offences committed by a person under the age of 17 are tried in the Family Division of the Provincial Court. These hearings are now open to the public and press coverage is permitted. However, the name of the accused person must not be published. The *Juvenile Delinquents Act* gives the court a variety of alternatives to use when dealing with a convicted youth. Suspended sentences, fines under \$25, probation, and placement in a family home, foster home or correction institute are a few of the options open to the court.

Appeals from juvenile delinquency cases are heard by the Supreme Court with that court's leave (permission).

Provincial Summary Conviction Offences

Violations of provincial and municipal statutes are heard in Provincial Court. Offences involving the Motor Vehicles Act, the Liquor Control and Licensing Act, and municipal and parking by-laws are heard in the appropriate division of the Provincial Court. These offences are referred to as quasi-criminal matters because they do not become part of a criminal record, even though violations of these statutes are punished by the court.

An appeal of a summary conviction is heard in the County Court. Until recently, these appeals took the form of a *trial de novo*, but they are now usually heard by the same procedure as appeals to the Appeal Court, that is, by reviewing the transcripts.

Dual Offences

Many Criminal Code offences are tried either by indictment or on summary conviction. The *Crown Counsel* makes this decision based on the severity of the offence.

A number of dual offences and some indictable offences fall under the exclusive jurisdiction of the Provincial Court (see sec. 483 of the

Criminal Code). Theft under \$200 is a good example of such a dual offence. This charge, if proceeded with by indictment, can result in a two year prison term. If proceeded with by summary conviction, the maximum penalty is 6 months in jail, a \$500 fine or both (all summary convictions carry these maximums).

Appeals from offences which are proceeded with by indictment are heard in the Appeal Court of B.C. Only summary conviction appeals go to the County Court.

Offences With Elections

There are certain classes of offences in which the accused may elect to be tried by a magistrate (that is, a Provincial Court judge), a judge (of a higher court) or a judge and jury (again in a higher court) (See sec. 484 of the Criminal Code). An accused charged with offences such as robbery, theft over \$200, or attempted murder is entitled to an election.

Less serious offences, summary offences, some dual offences and certain indictable offences over which a magistrate has absolute jurisdiction do not have provision for election. This also applies to a very serious charges such as murder which must be tried by a judge and jury in a superior court.

If an accused elects to be tried by a judge or judge and jury, a preliminary hearing is conducted by a Provincial Court judge. If there is sufficient evidence against the accused, the judge will commit the accused for trial in a higher court.

In practice, only the most serious offences with elections (e.g. rape, attempted murder) are heard in the Supreme Court of B.C. Criminal offences such as robbery, assault causing bodily harm, theft over \$200, possession of stolen property, etc., are almost always heard by a County Court judge. Usually these offences are heard by a judge without a jury, although the jury option is open to the accused.

Appeals of indictable offences with the provision for election are heard in the Appeal Court of B.C.

Most Serious Offences

Certain classes of offences, such as murder, treason and air piracy, have no provision for election (see sec. 427 of the Criminal Code). An accused charged with these offences receives a preliminary hearing in Provincial Court and, if committed, is tried by a Supreme Court judge and jury.

Appeals of these offences are heard by the Appeal Court of B.C. A person convicted in indictable proceedings may appeal his/her

conviction on any question of law. If the proposed appeal is based on questions of fact or a combination of fact and law, the appellant must receive permission from the Appeal Court or a trial judge to proceed with the appeal (this is almost always given).

A person may appeal his/her sentence with leave (permission to do so) of the Appeal Court unless the sentence is one fixed by law.

Direct Indictments

The Attorney-General of B.C. or the Minister of Justice for Canada may directly indict an accused person. When this occurs, the preliminary hearing in Provincial Court is by-passed and the accused is brought directly to trial, usually in the Supreme Court with a judge and jury. This occurs in complicated drug conspiracies, for example, to by-pass a very costly and lengthy preliminary inquiry.

Activity Sheet

240

Objectives: Students will acquire an understanding of:

- 1) the difference between indictable offences, summary offences, and dual offences.
- 2) trial processes for different types of offences.
- 3) the general procedure for different offences.
- 4) election, re-elections and direct indictments.
- 5) appeal routes for various offences.

Terms to Know:

- | | |
|---------------------------|--------------------------|
| 1) Summary conviction | 7) County Court |
| 2) Indictable offences | 8) Supreme Court of B.C. |
| 3) Criminal Code | 9) Appeal Court of B.C. |
| 4) Dual offences | 10) Elections |
| 5) Juvenile delinquencies | 11) Re-elections |
| 6) Provincial Court | 12) Preliminary hearing |

Questions:

1. What is a juvenile delinquency? How are juveniles charged with offences handled by our courts?
2. What are summary conviction offences? How are they different from indictable offences?
3. What two types of summary conviction offences are described in the chart? How are people tried who are charged with these offences?
4. What is a dual offence? Who determines how an accused charged with a dual offence will be tried? What things are considered when this is being decided?
5. What is an election? What types of offences have elections? What types do not? In your opinion, why is an accused offered a choice of how to be tried?
6. Describe what happens when an accused makes an election. What happens if an accused elects to be tried by judge alone? . . . by a judge and jury?
7. What kind of criminal offences are usually tried in the Supreme Court of B.C.?
8. What kinds are usually tried in the County Court?
9. Why might an accused choose to re-elect?
10. What is a "direct indictment"? When and why would this method be used to bring an accused to trial?

Appeal Questions:

1. Where are juvenile cases appealed to?
2. Why are some summary conviction offences appealed to the

Supreme Court of B.C. when most are appealed to the County Court?

3. What types of offences are appealed to the Appeal Court of B.C.?
4. Will the Appeal Court of B.C. accept appeals of any indictable offences for any reason?
5. Where would you go if you wished to appeal a decision of the Appeal Court of B.C.?

Research Questions:

1. Does the Supreme Court of Canada hear all appeals or is it selective?
2. How many judges sit on the Supreme Court of Canada? Where does it sit?
3. Explain the procedures an accused would likely go through for trial if charged with arson...with first degree murder...with shoplifting?

Appendix 1

Glossary of Terms

ARREST - to detain one's ability to move about freely - used in a violation of a criminal law

ASSESSMENT CENTRE - centre located at the Justice Institute that runs a series of tests for all potential recruits of the Vancouver Police Department

AUTOMARK - team of civilian employees assigned to making vehicles with an identification number (drivers license number) - means of identification in case of theft. Program ended Aug. 1984.

BAIL - security, usually money, which the prisoner must provide to ensure that he will appear at his trial

BOOKING - done after arrest - fingerprinting, photograph, forms

CHIEF DISPATCHER (C.D.) - person responsible for planning regular dispatch of police vehicles, as well as designating number of cars to be dispatched to calls.

COORDINATED LAW ENFORCEMENT UNIT (CLEU) - operational organization dedicated to combating organized crime - comprised of municipal police and RCMP

COMMISSIONED OFFICER - Inspector, superintendent, deputy chief, Chief Constable

CANADIAN POLICE INFORMATION CENTRE (CPIC) - computer link hooked up to main terminal in Ottawa - provides information on criminal records, warrants, stolen property and missing persons.

COURT OF RECORD - a court in which all proceedings are recorded word for word in a way which permits everything to be put in a written record.

CRIMINAL CODE - collection of laws which defines what crimes are, what the punishment is for these crimes, and what the legal procedures are for dealing with the crimes. The laws which constitute the Criminal Code are passed by the federal government in Ottawa.

DUTY OFFICER (D.O.) - chief representative on the road who goes to scenes of all major incidents & car 10

EMERGENCY RESPONSE TEAM (ERT) - team that is called out to incidents such as hostage takings or terrorism

EXECUTIVE - all officers of the rank of Inspector or above

INDICTABLE OFFENCE - a more serious offence which leaves the person charged with it liable to be indicted or charged in an indictment

INDICTMENT - formal charge against an accused person used as the basis for a trial in a County Court or in the Supreme Court of B. C.

MOBILE RADIO DISPATCH SYSTEM (MRDS) - computer unit in patrol cars that lets officers access information in regards to motor vehicles and criminal background checks

MAJOR CRIME SECTION (MCS) - within this section there are 4 squads that deal with homicide, robbery, sexual offense and crime stoppers

NON-COMMISSIONED OFFICER (NCO) - person with rank (Staff Sergeant and below) - Constable can be NCO when acting as a Corporal

OPERATIONAL AUXILIARY SECTION - under Traffic Auxiliary Section and includes mounted squad, dog squad, marine squad, special events (V.I.P. security) and reserve police

PATROL DIVISION NORTH - 4 teams responsible for crime in the North section of Vancouver (see map) - crime information passed on to Team North Division Detectives

PATROL DIVISION SOUTH - 4 teams responsible for crime in the South section of Vancouver (see Map) - crime information passed on to Team South Division Detectives

PARADE - done at the beginning of each - NCO inspects all members and provides roll call which is a run down of things that have happened or might happen

RECOGNIZANCE - an amount of money (a bond) put up by an accused person, which serves as a guarantee that he will follow certain conditions laid down by the court. If he breaches these conditions, he forfeits money.

RECRUITS - police officers who have not yet completed their initial training blocks 1-3 - usually designated recruit until shortly after their first year.

RESERVES - citizen sworn in volunteer who has completed 10 weeks basic training (condensed version of recruit training) - main duties are traffic and crowd control during disasters

SEARCH - to look for something you can use as evidence

SENIOR EXECUTIVE - Chief Constable

STRIKE FORCE - handles problems relating to intelligence, gambling, morality and liquor - narcotics operates independently of the strike force

SUMMARILY - handled with dispatch, doing without needless details or formalities

SUMMARY CONVICTION MATTERS - Offences under provincial statutes and the less serious crimes designated in the Criminal Code as offences which are to be dealt with summarily.

SURETY - a person who enters into a bond for a certain amount of money before a court. The court makes him responsible for the court appearances of an accused person or other conditions of behaviour imposed by the court on the accused person. A failure by the accused to appear in court or a failure by the accused to abide by the other conditions results in the forfeiture of part or all of the bond by the surety.

TRAFFIC SECTION - includes enforcement (motorcycles), accident investigation squad, late investigation, hit and run, and special events parking squad (jeeps).

TRAFFIC BENCH WARRENT (TBW) - Warrent for arrest of a person who has failed to pay a fine levied as a result of a traffic violation.

UNDERTAKING TO APPEAR - A document signed by an accused person in which there is a promise to appear in court at a specified time and place. It may contain other promises too (e.g. requiring the accused to remain in the area, to report to the police at specific intervals, or not to communicate with certain people). Breaking any such promise may itself result in further criminal charges.

VANCOUVER INTEGRATED INTELLIGENT UNIT (VIU) - Vancouver police officers assigned to gather intelligence (organized crime) information which they then pass on the CLEU

WARRENT - document which allows you to arrest someone - remains in force until such time a person is arrested

WARRENT OF COMMITTAL (WOC) - warrent to arrest and incarcerate if sentence has already been given and has been violated (i.e. receive fine of \$75 and don't pay)

ABBREVIATIONS

BILD - Building Independent Living With the Disabled
BTA - Breathalyzer Technician Analysis
CCC - Canadian Criminal Code
CCS - Catholic Community Service
CD - Chief Dispatcher
CLEU - Coordinated Law Enforcement Unit
CMHA - Canadian Mental Health Association
CNIB - Canadian National Institute for the Blind
CPIC - Canadian Police Information Centre
CPO - Crime Prevention Officer
CPTED - Crime Prevention Through Environmental Design
ERT - Emergency Response Team
ERT(C) - Emergency Response Team Containment
ERT(T) - Emergency Response Team Tactical
FT - Field Trainer
GAIN - Guaranteed Available Income for Need (Seniors)
GVIRS - Greater Vancouver Information and Referral Service
HN - Hostage Negotiator
HPI - Hold Pending Investigation
IED - Identification of Explosive Devices
JI - Justice Institute of British Columbia
JP - Justice of the Peace
LACC - Limited Access Correctional Communities
LIFE - Life is for Everyone
MADD - Mothers Against Drunk Drivers
MHA - Mental Health Act
MHR - Ministry of Human Resources
MRDS - Mobile Radio Dispatch System
NOVA - National Organization for Victim Assistance
NCO - Non-Commissioned Officer
OAS - Operational Auxillary Section
PIC - Public Information Counter
PIN - Police Identification Number
Q - Qualified Supervisor
SAFER - Shelter Aid for Elderly Renters
SAFER - Suicide Attempt Counselling Service
SIDS - Sudden Infant Death Syndrome
SIPP - State of Intoxication in a Public Place
SUCCESS - United Chinese Community Enrichment Services Society
TBW - Traffic Bench Warrent
TTI - Traffic Ticket Information
TVR - Traffic Violation Reports
VIU - Vancouver Integrated Intelligence Unit
VISACS - Vancouver Incest and Sexual Abuse Centre Society
W - Woman
WAVAW - Women Against Violence Against Women
WOC - Warrent of Committal

HOURS - MILITARY TIME

01:00 - 1:00 a.m.
02:00 - 2:00 a.m.
03:00 - 3:00 a.m.
04:00 - 4:00 a.m.
05:00 - 5:00 a.m.
06:00 - 6:00 a.m.
07:00 - 7:00 a.m.
08:00 - 8:00 a.m.
09:00 - 9:00 a.m.
10:00 - 10:00 a.m.
11:00 - 11:00 a.m.
12:00 - 12:00 p.m.
13:00 - 1:00 p.m.
14:00 - 2:00 p.m.
15:00 - 3:00 p.m.
16:00 - 4:00 p.m.
17:00 - 5:00 p.m.
18:00 - 6:00 p.m.
19:00 - 7:00 p.m.
20:00 - 8:00 p.m.
21:00 - 9:00 p.m.
22:00 - 10:00 p.m.
23:00 - 11:00 p.m.
24:00 - 12:00 a.m.

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